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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMANN WILHELM GOERING ET AL, DEFENDANTS AT NURNBERG, GERMANY. ON AUGUST 1, 1946, 1000-1700 LORD JUSTICE LAWRENCE PRESIDING.

DR. GAWLIK (Counsel for SD): Mr. President, may I be permitted to put three questions to the witness Best ?

THE PRESIDENT: What special reason is there why you want to put questions to him ?

DR. GAWLIK: I wanted to put these questions to Dr. Spengler, a witness who has been granted me but who has not arrived and because I cannot reach this other witness I would like to put the questions to Dr. Best instead.

THE PRESIDENT: Well, in view of that special reason we will permit you to put the questions but it is not to be regarded as a general rule.

DR. KARL RULOLF WERNER BEST -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. GAWLIK:

Q. I should like to confront you with a copy of a decree of the 11 November 1938. This is document PS 1638 and I should like to refer to page 4, dealing with the Gestapo and SD. In this decree it says :

"The security Service of the Reichsfuehrer SS and the information Service for the Party and State, particularly for the support of the Security Police, has to fulfill important tasks."

Now, I should like to ask you, did you participate in the origin of this decree ?

A. Yes.

Q. Does this decree represent the actual relationship between the Security Police and the SD ? Does it represent that relationship correctly ?

A. In those years there were experiments constantly going on with the SD so that the setting up of tasks as to the SD changed frequently. At that time, when the decree mentioned was issued, the general chief

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of the Security Police and the SD, Heydrich, was interested in having the SD have insight into the state offices and agencies. In order to fulfill and realize that aim and to give reasons for it and to justify it, the formulation of this decree was chosen. In fact and in truth the setting up of tasks to be put to the SD, whose, model was tobe the large foreign services, and especially the English intelligence service, developped in such a way that the SD was not to be an auxiliary or branch of the police but rather a purely political information organ of the state leadership, for the exact control of its political ramifications.

DR. GAWLIK: I have no further questions, Mr. President.

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THE PRESIDENT: Does the Prosecution want to cross examine?

CROSS EXAMINATION

BY LT. COMDR. HARRIS:

Q. Dr. Best, do you realize that you are one of the two witnesses who have been called, out of possibly hundreds, to represent the Gestapo before this Tribunal?

A. Yes.

Q. And you realize that your credibility is very important, do you not?

A. Yes.

Q. You understand as a jurist of long standing the significance of the oath that you have taken?

A. Yes.

Q. You stated yesterday, I believe, that your publication, the "German Police", was a purely private book and had no official status? Is that correct?

A. I said that we were concerned with the purely personal private work which was carried out without any contact with my superiors and without the knowledge of my superiors, and it originated in that way. My superiors -- at that time Heydrich and Himmler-- only knew of this work when the completed work was submitted to them.

Q. The question is whether this book of yours was or was not an official publication in any respect. Was it or was it not?

A. No, it was not an official publication.

Q. I ask that the witness be shown the Ministerial Blatt of 1941, page 119.

Now, you will notice that published in the Ministerial Blatt for 1941 is a circular of the Reich Ministry of the Interior referring to your book and you will note that it states that "the book is for offices and officials of police, state, Party, and municipal administrations. This book represents a reference work which can also serve as an award for worth officials. It is recommended that this book be avquired especially also by the libraries",

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and then the distribution is to various supreme Reich authorities. You see that there, do you not, Dr. Best?

A. Yes, indeed, and I can say the following in that connection: This recommendation was some time after the appearance of the book. The recommendation was published without my having prior knowledge of that fact, and this recommendation is not to be evaluated any differently from any other recommendation of other books which had already appeared and which subsequently would be recognized as good and usable books, but I should like to emphasize again that before the publication of this book, I had not talked with the agency who later published this recommendation nor with my superiors. I had not talked with either of these parties in any way beforehand.

Q. Now I want to invite your attention to your book, Dr Best, and particularly to page 86 of it.

You testified yesterday concerning the development of the Gestapo from the pre-existing political police agencies, and you will find that you say in your book as follows: I am now quoting.

"In order to build up an independent and powerful political police force, the might of which had not hitherto existed in Germany, regular officials of the former police force, on the one hand, and members of the SS, on the other hand, were brought in. With the uncompromising fighting spirit of the SS the new organization took up the struggle against enemies of the poeple and the state for the safeguarding of the National Socialist leadership and order".

That is the correct statement of how the Gestapo came into being, is it not, Dr. Best?

A. To that I should like to say that the part which was taken into the organization was very small, and I said yesterday that a certain number of employees were taken in, and then later from the candidates who applied for the regular career of the Secret State Police further members of the SS were added, so that the picture given in my book is completely correct, but the ratio in figures is not mentioned, and I can say again today that the number of the former officials -- those that were taken over from the pre-existing system such as the Protective Police, and candidates -- that was the larger

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number as compared to the number taken in from the SS.

Q. All right. You said yesterday that you opposed the use of torture by the Gestapo in connection with interrogations and that you called Heydrich to account about that matter, did you not?

A. Yes, indeed.

Q. Did you call Heydrich to account, as your superior?

A. Yes

Q. But you did not prohibit Heydrich from continuing his practice of using torture in interrogations, did you?

A. I was not in a position to prevent my superiors from taking and carrying out measures and decrees which he had recommended, and in addition to that, I was in no way affected with the execution in the Secret State Police, for I was an administrative official and, consequently, was not competent if Heydrich demanded measures like that or approved of them. I can only say that in the small branch of the Counter-Intelligence which I headed as a Commissioner for a short period of time, I prevented the use of this method.

Q. I want to pass briefly to your experiences in Denmark, Dr. Best, and by way of preliminary I wish to refresh your recollection as to the testimony which you gave before the commission on the eighth day of July 1946. This appears on page 2412 of the English transcript:

"Question: Have you met Naujocks?

"Answer: Naujocks was in Copenhagen once.

".Question: And what was his task in Denmark?

"Answer: He did not give me any details. I only know that he asked me to provide a connection for him with the Research Office in Copenhagen.

"Question: Anyway, you have no idea why Naujocks was in Copenhagen, do you?

"Answer: I imagine that he was in Denmark on matters pertaining to intelligence service duties.

"Question: And if he were to state and even to testify that he discussed

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the matter with you, you would say it was only a lie?

"Answer: I would say that I could not recall and that in my memory he is retained as an intelligence service man."

You were asked those questions and you gave those answers before the Commission, did you not, Dr. Best?

A. Yes

Q. And when you gave thos answers you knew that you were telling a deliberate falsehood under oath, did you not, Dr. Best?

You can answer that question Yes or No and then explain it if you like.

A. In the meantime ---

THE PRESIDENT: Answer the question. Do you or do you not know whether you were telling the truth then?

A. My statement was not correct. In the meantime I had seen the transcript of Naujocks, and then I was able to recollect exactly that he in a general way had told me about his mission. Even today I do not recall details, however.

Q. Well, no, just so that you will remember that interrogation and that you had with Dr. Kalki of the Danish Delegation two days later on 10 July 1946, I am going to ask that you be shown the written statement which you corrected in your own hadnwriting and signed with your own signature. Now, I invite your attention to the paragraph, Dr. Best, in which you state as follows:

"Now that I know that Naujocks has testified as to his connection with terrorist activity in Denmark, I am ready to testify further on this subject. If I did not testify about this earlier, it was because I did not know whether Naujocks had been captured and had confessed regarding these things. It was contrary to my feelings to drag him into this thing before the facts were know to me."

You gave that statement, did you not, Dr. Best, and that is your signature on there?

A. Yes.

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Q Now, Dr. Best, you knew very well when Naujocks came to you in January of 1944 that there was planned to be carried out by the Gestapo terroristic measures against the people of Denmark, because you attended the conference at Hitler's headquarters on 30 December, 1943, at which that plan was worked out, didn't you?

A Yes.

Q At that conference there were present, in addition to yourself, Hancke, the higher SS and police leader for Denmark, General von Hannecken, the military governor for Denmark, Hitler, Himmler, the defendant Kaltenbrunner, the defendant Keitel, the defendant Jodl, and Schmundt. You reported those names in your own diary, didn't you?

A Yes.

Q And you know that at that meeting it was agreed that in order to counteract murder and sabotage against German interests in Denmark the Gestapo was to go up to Denmark and to carry out ruthless murders and to blow up homes and buildings as a countermeasure, don't you?

A It is not correct that there was an agreement set up, but rather, Hitler gave commands against contradiction which I and Hancke made against these plans.

Q Yes. Hitler gave the order to Himmler, who gave it to Kaltenbrunner, who gave it to Mueller, who sent the Gestapo into action, and you know that those murders and that this wilful destruction of property was carried out in Denmark as a result thereof, don't you?

A This general fact was known to me, yes.

Q And you know that these were carried out, because you protested about some of them. For example, you remember when these thugs blew up a streetcar in Odenne, killing and injuring the passengers in it, don't you?

A In the period following, again and again for various reasons I protested against the use of this method, in that I made --

THE PRESIDENT: You haven't answered the question. The question was, did you know that the streetcar had been blown up.

THE WITNESS: I do not recall the individual cases, and therefore I do not recall for what special reason I made my protest. But I do know that I

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protested in many, many cases.

BY LT. COMMANDER WHITNEY HARRIS:

Q Now, Dr. Best, I know that you have a very short memory, but I would have thought that you could have remembered from the events that you recited on 10 July 1946. If you will look at your statement there that you gave to Dr. Kalki, you will find the following: "I used on such an occasion the blowing up of a streetcar in Odenne, for instance." Don't you see that there, Dr. Best? The statement that you gave on the 10th of --

A Where is that? Where do I find that, please?

Q You will find that about the middle of the document.

A Wait just a minute. That is a wrong translation. I said the blowing up of a street train in a street. That meant that on the street along this street, several houses were blown up. It wasn't a car, but rather a train of houses, a group of houses.

Q Now, Dr. Best, you also remember the murder of four doctors in Odenne, which you protested because those doctors had been pointed out to you by National Socialist circles as being German sympathizers, don't you?

A Yes, and apart from that, that was not the only reason. I called attention to the increased senselessness of these measures, for I had determined that some of these physicians were friendly to Germany.

Q That was a terrible thing for the Gestapo to murder German sympathizers in Denmark, wasn't it? There were so few. Now, to whom did you make your protests against this murderous activity of the Gestapo?

A My protests regularly went to the Foreign Office, which was the ministry superior to me.

Q Your protests went to the defendant Ribbentrop, didn't they?

THE PRESIDENT: Commander Harris, have we reference to any document which records the meeting of 30 December 1943?

LT. COMMANDER WHITNEY HARRIS: Yes, sir. This is in evidence through the official government report of the Danish delegation, exhibit RF901.

THE PRESIDENT: RF921?

LT. COMMANDER WHITNEY HARRIS: 901, sir.

THE PRESIDENT: Thank you.

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BY LT. COMMANDER WHITNEY HARRIS:

Q Now yesterday, Dr. Best, you testified that you learned that the Einsatzkommando of the Security Police and SD in Denmark was opposed to the Kugel Erlass, didn't you?

A Yes.

Q Who in Denmark told you that this Einsatzkommando was opposed to the Kugel Erlass?

A I was told that by the head of the executive, Dr. Hoffmann.

Q Dr. Hoffmann. He was the head of the Gestapo in Denmark, wasn't he?

A The Gestapo branch with the commander of the Security Police.

Q And when did Dr. Hoffmann tell you that?

A I cannot remember it exactly, whether now through my being together with Dr. Hoffmann I was reminded of these facts, or whether the individual measures which were turned down at that time were reported to me at the time. It may be that this is a new piece of information for me, which confirms to me that this decree never was put into effect. No case of this kind ever occurred.

Q Now, Dr. Best, you just got through saying in your last answer that Dr. Hoffmann told you that the Gestapo was opposed to the Kugel Erlass in Denmark and that he told you that in Denmark. Now, is that true or isn't it true?

A I did not say when and where I learned of it. I said only that the decree was not applied, not put into effect, and on the own initiative of the police, at that. I did not say when and where I was told this.

Q What was the Kugel Erlass?

A Today I know, for I have read files and transcripts, that these were measures, I believe, dealing with prisoners of war who had escaped.

Q When you were asked about your knowledge of the Kugel Erlass before the Commission, you didn't say anything about having had a conversation with Dr. Hoffmann about it, did you?

A According to my memory, I was asked only whether at that time during my time of office I had known the Kugel Erlass. I did not see this at that

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time. I did not see the decree at that time. I believe I have mentioned this already. I read it only here.

LT. COMMANDER WHITNEY HARRIS: If the Tribunal please, I have two documents which I would like to offer into evidence at this time. These documents have come to our attention and have been made available only in the last two days. Consequently, it has been impossible for us to present them to anyone speaking for the Gestapo before the Commission, and I think that this witness can assist in identifying some of the names. I would like to ask the permission of the Tribunal merely to show these documents to the witness. They are quite long, and I will then try to summarize as briefly as possible and develop what can be developed out of them in the shortest possible time, perhaps fifteen minutes for both documents here.

THE PRESIDENT: Yes, go on.

LT. COMMANDER WHITNEY HARRIS: Then at this time I offer into evidence R178, which becomes USA 910, and I ask that the document be shown to the witness.

This document was captured by a combined British-American documents exploitation team and sent to the Prosecution from the Air Documents Research Center in London. It contains correspondence concerning a complaint about a certain Major Meinel against the Gestapo officers in Munich, Regensburg, Nuernberg, and Fuerth over the screening out and murdering of Russian prisoners of war. I ask that the witness turn to Document F, which is page 7 of the English translation.

BY LT. COMMANDER WHITNEY HARRIS:

Q You will note, Witness, that this is a report from the Gestapo office in Munich, in which it lists 18 labor camps screened by the Gestapo, showing a total of 3,088 Soviet prisoners of war screened, of which 410 are screened out as intolerable. You will note, following Page 8 of the English translation, that the 410 Russians sorted out belong to the following categories: officials and officers, Jews, members of intelligentsia, fanatical Communists, agitators and others, runaways, incurably sick. You will note on Page 9 of the English translation that of the 410 Russians who were sorted out, 301 had been executed at the concentration camp at Dachau at the date of this

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report. On Page 10 of the English translation following, Witness, you will find the following: namely, that these 410 Russians screened out at Munich represent a percentage of 13 per cent, whereas the Gestapo offices at Nuernberg, Fuerth, and Regensberg screened out an average of 15 to 17 per cent. This report, which is signed by Schuermer, states, right at that same place, "I wish to refute most emphatically the complaints of the high command of the armed forces that the screening of the Russians had been carried out in a superficial manner." Now, witness, do you know Schuermer?

A No, the name is not familiar to me.

Q. All right. Then I want you to turn to Document G. This is a report from the Gestapo office in Munich complaining about the attitude of Major Meinel; and on Page 13 of the English translation, you will find a statement that Meinel was thought to have complained to the High Command of the armed forces that the Russians had been superficially screened out.

Now, you will note that a report was made against Major Meinel by the SD in which Meinel was reproached for having shown, to some extent, aversion against the National Socialist creed. For example, he mentioned God but not the Fuehrer in an order of the day.

THE PRESIDENT: Where does that come ?

LIEUTENANT COMMANDER HARRIS: Sir, you will find that on Page 13 of the English translation, in the middle of the page.

BY LT. COMDR HARRIS:

Q That was the mark of a bad National Socialist record, it might be said -- one who mentions God before Hitler.

A I do not know which question you want me to answer. As far as this whole pattern is concerned, I should like to emphasize that at the end of May 1940, I left my position in the Reich Ministry of the Interior in the Security Police Division, and therefore I had no knowledge of the sort of things which transpired in the year 1941.

Q Then turn to Document G, Page 15 of the English translation. You will find this sentence:

"Experience, however, has shown that the Russian can be compelled to work only by the utmost severity and by the use of corporal punishment."

Now, pass on to Document H, Dr. Best. There appares on Page 17 of the English translation this statement:

"Furthermore, I pointed out to Major Meinel that the work of the Gestapo employment detachments was done with the consent of the High Command of the Armed Forces, and according to rules which had been drafted in collaboration with the High Command, Department of Prisoners of War."

Now, this document is signed by Schimmel. Was Schimmel known to you?

A Schimmel? I cannot find the name Schimmel, but I do recall that there was a Regierungsrat by that name, I believe, in the Secret Police.

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Q Passto Document J, then, Page 21 of the English Translation. At the end of that, you will find that Meinel, in giving his reply to the accusations made against him, stated:

"When I mentioned that it weighed heavily on the officers' conscience to hand over the prisoners, Regierungsrat Schimmel replied that the hearts of some of the SS men who were charged with executing prisoners were all but breaking."

Now, on Document M, witness, which is Page 26, you will find a notice that the Reich Commissioner for Defense was informed about these murders, and approved of them. This was for Defense Area VII. Do you know who the Reich Commissioner for Defense was in Defense Area VII who approved these murders?

A A Reich Commissioner? You mean the Reich Defense Commissioner?

Q Yes, the Reich Defense Commissioner. That is what I said.

A The Reich Defense Commissioner in Area VII, that I do not recall, for that time I was away from the Reich --

Q All right.

A And I was outside the Reich boundary.

Q All right. Let us go on. There are many other cases of the screening of Soviet prisoners of war by the Gestapo for execution; that is, by local Gestapo offices within Germany proper. And I do not wish to take up further time with that. But I wish that you would turn to Document T, witness, because I want to get evidence of the result of this conflict with Major Meinel. Document T is a teletype from the Gestapo office in Berlin, and it states:

"The prisoners of war who have been screened out"--

THE PRESIDENT: What page is that?

LIEUTENANT COMMANDER HARRIS: Page 37, sir.

BY LIEUTENANT COMMANDER HARRIS:

Q "The prisoners of war who have been screened out will be transferred to the Buchenwald Concentration Camp as the High Command has decided in conference today. Will you please inform the Higher SS and Police Fuehrer today about this and also that Meinel is getting a different assignment."

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Now, this teletype emanated from the RSHA office as IV A. That was the Gestapo, was it not, Dr. Best?

A Yes.

Q And you see it was signed by SS-Obersturmbannfuehrer Panzinger. Now you know who Panzinger, was, do you not?

A Yes. He was the deputy of Mueller.

Q Yes. And he was the head of this Department IV A, which was charged with the handling of opponents and sabotage, assassinations, protective custody, and matters of that sort, was henot?

A He was the head of the Department IV A. Just what was dealt with in this department I cannot recall.

Q You can take my word for that.

LIEUTENANT COMMANDER HARRIS: That appears in Document L-219, for the Tribunal's information, which is already in evidence.

Now, I wish to offer the other documents. There are five documents here which are in a group, sir, and I will offer them in order:

4050-PS becomes USA 911; 4049-PS becomes USA 912; 4052 PS becomes USA 913; 4048 PS becomes USA 914; 4051 PS becomes USA 915.

These documents have just come to us from the Berlin Document Center, and we have not yet been able to obtain the originals. They sent to us only the photostatic copies. We have requested the originals, and they will be here, we are assured, in a matter ofdays. As soon as they come, with the permission of the Tribunal and the approval of counsel, wewill substitute the originals for these photostatic copies.

BY LIEUTENANT COMMANDER HARRIS:

Q Now, Dr. Best, turning to Document4050 PS first, you will see that this refers to the same SS obersturmbannfuehrer Panzinger. This is apparently a foreign office communication in which it says that Panzinger reports that various changes have been made in the preparation for the matter discussed, and that he has promisedus a plan for the execution of our proposed actions.

Now, if you will turn to the enclosure, which is Document 4049-PS, you will find just what that plan was. You will see there that the plan was to

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transfer 75 French generals from Koenigstein, in the course of which one General by the name of DeBossse was to have a misfortune -- namely, his car was to break down -- in order to separate him from the others. This was to provide the opportunity to have the general shot in the back while attempting to escape.

You will find that this document goes on to recite all the details in completing this murder, including this interesting statement, that a decision has as yet to be reached whether or not the burial of the dead man should be carried out with military honors; and it goes on to say that the question will be looked into once more by the SD.

This is the basic report of November, 1944.

Now, if you will turn to the next document, 4052 --

THE PRESIDENT: Shouldn't you read the last paragraph on Page 2?

LT. CMDR. HARRIS: Yes, sir, I will read that.

"Protecting power investigations: It will be assured through the collection of the persons concerned in the preparation of all documentary evidence that in the event the protecting power is desirous of an investigation, the necessary documents are available for dismissal of a complaint."

BY LT. CMDR. HARRIS:

Q Now, turning to the next document, witness, 4052 PS, you will find again the reference to this infamous SS Oberstrumbannfuehrer Panzinger. You see, witness, Panzinger had been promoted by this time. He states that the preparations with respect to the French generals had reached the stage where a report concerning the proposed procedure would be submitted to the Reichsfuehrer SS during the next few days. And you will find that he again explains this method of murder, and that he said that they will carry it out by one of two methods, either by shooting during escape, or, secondly, through poisoning by carbon monoxide gas.

Now, you have noticed, witness, that at the end of this document it shows that it was prepared for presentation to the Reich Foreign Minister, Mr. Ribbentrop.

Now, the next document is particularly an interesting one. It is document 4048 PS. This document is dated December 30, 1941.

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THE PRESIDENT: Was Ambassador Ritter the ambassador in Paris?

BY LT. COMDR. HARRIS:

Q Witness, was Ambassador Ritter the ambassador in Paris?

A I do not rememberexactly. That must have taken place some time before I knew how the diplomatic posts were filled.

THE PRESIDENT: It does not matter.

LT. COMDR. HARRIS: I am informed, sir, that he was a liaison officer between the Foreign Office and the army. I am not sure of that, however.

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Well, passing to Document 4040-PS, here is where the whole plan is laid out in summary form, and I would like to read this briefly. This is addressed to the Reichsfuehrer SS, and it says:

"The discussions about the matter in question with the Chief of Prisoner of War Matters and the Foreign Office have taken place as ordered and have led to the following proposals:

1. In the course of a transfer of five persons in three cars with army identifications, the escape incident occurs when the last car has a flat tire, or

2. Carbon dioxide is released by the driver into the closed back of the car. The apparatus can be installed with the simple means and can be removed again immediately. After considerable difficulties a suitable vehicle has now been available.

3. Other possibilities, such as poisoning of food or drink have been considered but have been discarded again as too unsafe.

Provisions for the completion of the subsequent work in accordance with plans, such as report, abduction, documentation, and burial, have been made.

Convoy leader and drivers are to be supplied by the RSHA and will appear in army uniform and with pay books delivered to them.

Concerning the notice for the press, contact has been established with Geheimrat Wagner of the Foreign Office. Wagner reports that the Reich Foreign Minister expects to speak with the Reichsfuehrer about this matter.

In the opinion of the Reich Foreign Minister, this action must be coordinated in every respect.

In the meantime, it has been learned that the name of the man in question has been mentioned in the course of various long distance calls between Fuehrer Headquarters and the Chief of PW Matters; therefore, the Chief of PW Matters now proposes the use of another man with the same qualifications. I agree with this and propose that the choice be left to the Chief of Prisoners of War Matters."

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BY LT. COMMANDER HARRIS:

Q Now, by whom is this letter signed, Dr. Best?

A It states that it is signed Dr. Kaltenbrunner.

Q Signed Dr. Kaltenbrunner. Now, we will pass to the last document, 4051-PS. This is a report on a telephone conversation which carries us to January 12, 1945, and it says -- reports that: "A French prisoner of war General is going to die an unnatural death by being shot in flight or by poisoning. Subsequent matters, such as reports, post mortem examination, documentation, and burial have been taken care of as planned." It states that: "The Reich Foreign Minister's instruction is to that 'the matter is to be discussed with Ambassador Albrecht in order to determine exactly what legal rights the protective power could claim in this matter in order to make our plans accordingly.'"

Now, who is Ambassador Albrecht?

A He was the head of the juridical department in the Foreign Office.

Q Now, did you know, Dr. Best, that General Mesny was killed on this road at about this time?

A I knew nothing about this matter, for at that time I was active in Denmark and heard nothing about matters of this kind.

LT. COMMANDER HARRIS: That concludes my cross examination, if the Tribunal please. However, I have two documents which the French delegation ask be submitted. These are both documents signed by or on behalf of this defendant, Dr. Best, and with your permission, I will offer them in evidence now on behalf of the French delegation.

The first is document F-967. This relates to the deporting of Jews and Communists from France, and states that they have to hold up those deportations for a while because of lack of transportation.

BY LT. COMMANDER HARRIS:

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Q I ask you to identify your signature on that document if you will, Dr. Best, please?

A Yes.

LT. COMMANDER HARRIS: That will become USA-916.

THE PRESIDENT: I didn't hear the number.

LT. COMMANDER HARRIS: USA-916.

The next is F-872, which is also a document relating to the fight against Communists in France, and I ask that the witness identify that as coming from him and having been signed on his behalf.

A Yes.

LT. COMMANDER HARRIS: That becomes Document 917.

If the Tribunal please, I am informed that we have just discovered a new document which is of the utmost importance but which has not yet been in any way processed, and we would like the permission of the Tribunal to submit this document later on in the course of the proceedings if and as it is ready for submission.

THE PRESIDENT: Can't it be got ready today?

MR. DODD: Mr. President, I think it may be. It was just handed to me in a handwritten translation. It was just discovered in the document center in Berlin and I think it is of such a nature that the Tribunal should know about it. I will try and have it translated before the close of the session today, but I think it is the kind of thing that should not escape the attention of the Tribunal.

THE PRESIDENT: Yes. Well, perhaps you will make further application when you have got the document ready.

LT. COMMANDER HARRIS: Yes, sir.

THE PRESIDENT: Do you wish to re-examine?

DR. MERKEL: First of all, two brief questions relating to the defense for the SD.

RE-CROSS EXAMINATION

BY DR. MERKEL:

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Q Who was at the head of the Intelligence Service after Canaris was dismissed?

A I, as an outsider, learned that at that time the Intelligence Service of the Wehrmacht, which in the past had been led as a whole by Canaris, was divided up into the various offices of the Chief of the Security Police. The defensive branch was turned over to Office 4, the so-called Gestapo branch a further part to Branch 6, Foreign Intelligence Service; and then finally, the office Mil was set up as something new.

Q Did Himmler lead the entire Security Police, as he had after Heydrich's death?

A Here also I can only state, as an outsider, that I learned that Himmler, after Heydrich's death, took over the leadership of the Security Police.

Q One question relating to Denmark. What was the organizational difference between the Gestapo in the Reich itself and the Security Police units which were deployed beyond the boundaries of the Reich?

A Within the Reich there were established eight agencies of the Secret State Police, of the Criminal Police, of the SD and numerous other auxiliary forces, and whose sphere of activity was not the same and was not clearly delineated but varied according to instructions of the Central Offices in Berlin and partially according to the directives received from Higher SS and Police Leaders, Reich Commissioners, and so forth.

Q For how long have you known the witness Naujocks?

A I believe that I met him some time before I left the affairs of the Security Police, but I saw him very seldom and had no personal connections with him at all.

Q Do you know that Naujocks, about six months before the end of the war, deserted to the Americans?

A I was told about that here.

Q The murders, as described by Naujocks, were they murders of the Gestapo?

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A No. The real Gestapo, that is the Executive Branch of the Commanders of the Security Police, did not carry out those deeds. Rather, it was special forces who were directly responsible to the Higher Police and SS Leaders.

Q Were the executions of Russian prisoners of war in German concentration camps known generally to the public?

A No. At any rate, I can say that despite my prominent position, only now and here in the course of this trial have I learned of these matters.

Q Does the recommendation of your book by the Reich Minister of the Interior mean that, according to this recommendation, the book received an official character?

A I don't believe so, for without doubt, in the same office and in the same way numerous books were recommended, books which in no way were sponsored by an agency or given out on behalf of that agency.

DR. HENKEL: Your Honor, I have no further questions.

DR. LATERNSER: Mr. President, I should like to clarify a question which has arisen during the cross examination.

THE PRESIDENT: Yes, Dr. Laternser.

BY DR. LATERNSER:

Q Witness, you were shown the document R-178. On page 26 of this document, in the center of the page, you will find that the Reich Commissioner for Defense in the area, Wehrkreis, agreed with the selection of the Russian prisoners of war and their murder. Then the Prosecutor asked you just who this Reich Commissioner for Defense was at the time and you said that you didn't know. Now I should like to ask you, who usually, or as a matter of custom, was the Commissioner for Reich Defense? Wasn't that the Gauleiter?

A In part it was the Gauleiter and in part, if I remember correctly, it was higher officials, Oberpresidents and men of that kind; the ministers of the various states.

Q The Commissioners for Reich Defense, therefore, were

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not military officers, or were they a purely military agency directly under the OKH, is that right?

A No. As far as I understand and remember the construction at that time, the answer is no.

DR. LATERNSER: Thank you very much. I have no further questions

THE PRESIDENT: The witness may retire.

DR. MERKEL: We have another witness, and perhaps, for the sake of unity, it would be better to have our recess not, your Honor.

THE PRESIDENT: Very well.

(A recess was taken.)

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DR. MERKEL: With the permission of the Tribunal, I call the witness Karl Heinz Hoffmann.

THE PRESIDENT: Will you state your full name?

THE WITNESS: Karl Heinz Hoffmann.

THE PRESIDENT: Will you repeat this oath after me.

I swear by God, the Almight and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. MERKEL:

Q. When and how did you come to the State Police?

A. After I passed the juridical state examination in the year 1937, I applied to three administrative offices for a job. First, I received employment with the State Police and accepted. After one year as volunteer employee of the State Police Office in Koblenz, I was appointed Deputy of the Chief and the Political Expert with the Government. A year later, in 1939, I was transferred in the same function to Dusseldorf. There I was appointed to the position of Reich Defense as Assistant to the Inspector. Then when the Security Police was put to work in Holland I was there as a leading executive. In September 1940, I was transferred to the Reich Ministry of the Interior, Gestapo State Police Office, and there I was put in charge of the department for occupied Western European territories. In September 1943 I was sent to the BDS, Denmark, in charge of Department IV.

Q. You say that you were with two state police offices. That was Koblenz and Dusseldorf as Deputy Chief?

A. Yes.

Q. What was the relation of these Gastapo offices to the internal administration?

A. The chief was political assistant...

DR. MERKEL: Witness, between my question and your asnwer, you have to make a short pause.

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1 August-M-6-2-AON-Ahuna.

WITNESS: The chief was political assistant of the President of the Government, Reierungspresident, and I was chief of the office of the Oberpresident, (Leitstellenleiter). In towns and countries where there were offices of the Gestapo, there were the lower levels, the Kreis, the local officials, and the Gendarmerie. Approximately 80% of all matters came from these police offices.

Q. Could the NSDAP issue any state directives to the State Police?

A. According to the Reich directives, they could not. Only in places where the Gaulieter was in a position of Oberpresident or Reichs-statthalter (Governor).

Q. How was it in practice: How did it work out?

A. In practice, the medium and lower offices tried to interfere. But the police rejected that and it was mostly the case when Party members were involved in proceedings.

Q. Was it not the task of the Gestapo to further the ideolo-gical aims of the Party?

A. No. The tasks of the Gestapo were purely counter-intelli-gence against att cks directed against the state and within the legal regulations and decrees.

Q. The basic tendency and work of the Gestapo, therefore, was it aggressive or purely defensive?

A. It was purely defensive and not aggressive in any way. That could be seen, first of all, from the following fact. When, in 1944, the administration of the counter-intelligence offices were trans-ferred to State Police and SD offices, the State Police received only the purely counter-intelligence tasks, whereas activities, that is, aggressive espionage and sabotage, were transferred to Amt VI (Department VI).

Q. Did officials of the Gestapo have any special advantages due to the fact that they may have had an opportunity to buy objects which had been confiscated by the Gestapo and put on auction?

A. It had been prohibited by the decree that officials of the Gestapo could acquire objects which had been confiscated and put on auction. In the same way, the officials had not opportunity to par-

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ticipate in the arynization of business establishments in any way, and also, the immediate confiscation of Jewish property was prohibited for them.

Q. You took part when the SIPO entered Holland, and you took part as a leading official, didn't you? Was there any special training of the employees for that purpose?

A. No. There had been no measures taken of that kind, such as the reparation of interpreters or in the increase of the number of employees or the specialists. Also, the regulations about pay and other economic regulations were not clear and we were not quite prepared for such tasks.

Q. Did the Gestapo take part in a conspiracy which was connected with the planning, preparing, and waging of aggressive war?

A. I have to deny that, especially when it refers to the Reich Defense. The Inspector of Wehrkreis (District VI), who was superior to 6 Gestapo offices, knew nothing of an aggressive was which was being prepared. At that time when Norway and Denmark were occupied, I learned that from the newspapers. As deputy of the Gestapo office in Dusseldorf, I did not have any knowledge of the state of defensive tactics in the Western areas. In the morning of that day I learned that from the radio and newspapers. When the campaign against Russia was started, I was in the Gestapo office and several days, it may have been three or four, but several days after that we learned about the beginning of the offensive war. Before that we had no idea whatsoever about such plans, that is to say, not any more than any German could have gathered from the political tension.

H0194-0027

Q What was inprinciple the composition of personnel of the Gestapo Office in Koblenz?

A The Gestapo office Koblenz, the personnel of which I reconstructed in my mind, consisted of about forty-five to fifty agents employees who were primarily taken from the Security Police and Criminal Police; that is to say, also from the old I-A, and in addition, about fifteen to twenty administrative and technical employees; apart from that, a purely office personnel altogether of about one hundred persons.

Q For all these employees, was belonging to the Gestapo a voluntary matter or not?

A On the whole, those were employees who had entered the police before 1933 and had been commanded; that is, transferred to the State Police According to my recollection, there were at the most ten to fifteen percent of them who had entered volunarily after 1933 and to that office.

Q what were the main tasks of a Gestapo office in Germany?

A The main subjects that were dealt with were thecombatting of high treason, treason of the courtry, dealing with clerical questions, questions of the church, questions which arose from the treatment of the Jews; so-called measures against the perpetration of laws for the protection of the Party and certain important political questions from the whole complex concerning the entire complex of the press and economy.

Q In the courseof your activity with the Gestapo, how was the question of protective custody dealt with?

A The great majority of the cases were dealt with by a warning, by the State Police, that is to say, when the result was negative. In those cases which made custody necessary, we made sure to see that the perpetrator. are brought before a court. Protective custody was only given for a short time in all those cases where the matter wasnot ready to be brought to the court. Protective custody was transferrdd to concentration camps -- was only then demanded by the Gestapo -- if the person, or the perpetrators, on the basis of their accuasion, before that he would continue to perpetrate against the regulations. To my knowledge, at the beginning of the war there were twenty-thousand inmates in the concentration camps of whom at the most one-half was there for political reasons.

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Q For what reasons were the others kept there?

A In the case of the others, they were mostly criminals that had been sent there.

Q Did the Gestapo take measures concerning the care of themembers of the families of the political inmates?

A According to a decree of the Gestapo office, the Gestapo, if it took people into protective custody, it was not only a welfare organization, to take care of the families but the officials who dealt with the particular case had to make sure that they were taken care of in that manner.

Q Inmates who were released, could they go into any profession?

A They could go into any profession.

Q Your question deals with theperiod during which you were in charge of the Gestapo Office in Germany.

A That is in the year during the time I was deputy chief, that was, during May 1940.

Q The prosecution has said that the Gestapo had conducted a struggle against the churches; what do you know about that? That is, from the period during which you were active in Koblenz and Duesseldorf?

A The dealing with church matters during my period was done in the framework of separating the church and state, the influences of the church and the state; that is to say, one intervened when a priest spoke publicly against the decree concerning a sermon. The "Kanzelparagraph" which had been introduced in the law code -- still at the time of the Emporer in Germany against the "Heimteucke Gesetz" or if the clerical organizations, church organizations, were active on worldly matters which were prohibited by a decree.

Q What did one mean by "Jewish questions" during thattime until 1938?

A The emigration of Jews.

Q What was the number of officials who dealt with Jewish matters, at the few offices which were known to you of the Gestapo?

A At the Gestapo office Koblenz, one Criminal Oberassistent, who also dealt with the question of free masonry; at the Gestapo Office Duesseldorf, Oberinspektor where I believe were two or three assistants.

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Q Was there any change brought about in that by the order of Heydrich on the 10th of November 1938, to arrest an unlimited number of Jew unable to work?

A That decree was quite a surprise measure for us, which could be in no way expected onthe basis of measures which had heretofore been used -- since my knowledge later on, the great majority of these Jews had been released again, and one could not recognize that as a basic change of the course pursued by the state leadership.

Q Did you or the officials in your office have any knowledge that the deportation of Jews to the East, that was intended to mean their destruction, biologically speaking?

A No. At that time I was an officialin the Secret State Police Office, Gehcimestaatspolizei Amt. During the meetings at the chief of the Office IV, nothing was ever spoken about that. The treatment of the Jewish question was at that time in the hands of Eichmann, who had not emanated from the State Police, but had been transferred from the Security Police, SD, to the Gestapo. He, with his office, was located in a building set aside for that purpose andhad hardly any contact with the other officials-- especially, he did not co-sign the adverse matters; for instance, when he didn't have them co-signed when he ordered deportation of Jews. From our objection to that regard, he answered that he was carrying out special missions which had been ordered by the highest authorities and therefore excluded the co-signing by the other officials which would give them the possibility to state their own opinion, because it was not necessary.

Q Were theregulations about secrecy always applied within the office of the State Police?

A Yes; even within the inner offices themselves. It was an old principle already before 1933 that individual cases should not be talked about. The secrecy was decreed by the well-known Fuehrer order and SS and the Police Court punished any perpetrators severely and these punishments were publicized, at least among the officials.

Q Since 1941, were you in charge of the Office IV-D-4 in the Reich Security MainOffice, RSHA? what was the task of that office, of that job?

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A The mission was to deal with political and police problems of Occupied Territories and to summarize them in a report to higher and other offices; later, in addition, there was the care for the interned political prisoners and persnnalities of other nature from these territories.

Q What was the basic tendency of your job, the basic opinion that you had about the occurrences of the national resistance movement in the Occupied Territories?

A After these territories were occupied, the Allies also started to utilize the forces in these territories by establishing organized resistance; that, in the beginning was voluntary on the part of the people and whoever wanted to join any such military organization would come for patriotic or political reasons to that decision to enter such organizations. Once he had entered in such an organization, he was subordinate to military orders with all their consequences. The measures which he had to carry out were carried out within the ehtire Allied strategy and not according to the interests of his own country any more; therefrom, it resulted that all actions of the resistance movement were military actions which were not carried out spontaneously by the population and from that it resulted that all measures of a general nature against the population were really reactions upon actions of the military organizations and therefore not only useless but harmful to the German interests because the members of these military organizations were not deterred by such measures in carrying through their orders; the consequences of that was, that a combatting of these forces was only possible in two directions; first, to bring about a policy on the side of Germany, which would deter these people from fighting against Germany; and secondly, to neutralize the active groups by capturing them.

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Q Why, on the part of the membership of the State, did they not act in accordance with the principal of the Gestapo?

A Because Himmler had not come from the ranks of the Police and his decisions were not made according to the reports he received from the Police, but primarily on the basis of individual information which he received from other sources, particularly from the higher police leaders. Beyond that, the Police were not able to report continuously and at the same time give an estimation of the situation. On the other hand, to the lower levels, the higher police leaders and the local officers which represented the highest German authorities the various territories, again and again interfered with the work of the Police.

Q You just mentioned the word "interfered". Didn't the Gestapo have a definite chain of command?

A No. The Officers assigned in the occupied territory were not only subordinate to the secret State Police but to a number of other authorities beginning with military officers, all could issue directives, especially the higher SS and Police leaders, Reich Commissars, and in part also, the military commanders.

Q Can you give us two very drastic examples?

A First, the policy of Reich Commissioner Terboven, to carry out the shooting of hostages, and there are general measures against the population. For three years we have fought in order to prevent these measures, and we have sent reports to Himmler and tried to have him recalled. We took prisoners from Norway in order to get them away from his jurisdiction and transferred them to Germany in order to get them

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out, and later we were able to release them in Germany. When sabotages occured in Denmark in 1944 and reached its climax, a directive came from OKW to the military commander, to bring about the decree by the Reich plenipotentiary, so that longshoremen and members of their family could be arrested if any acts of sabotage occured in their docks. After a long series of trouble, we succeeded, and the measure was revoked because we learned that the stevedores had nothing to do with these acts.

Q What was the organization SIPO and SD in the occupied Western territory?

A The organization was not uniform. In Norway and later in Belgium, there were Kommandeurs and sub-commanders. In Denmark and Netherlands and in France there were Kommandeurs and sub-commanders. In all cases, the BDS was not only subordinate to Berlin but also to the higher SS and Police leaders who again were immediately subordinate to Himmler, and could bring about decisions which dit not go through the RSHA.

Q What was the composition of the personnel of these officers?

A There was a tremendous shortage of trained criminal police officers. There were only skeleton crews, staff, which were supplemented by the criminal police, and primarily people who had been drafted for that service, and the transfer of Police who had come from the Secret Field Police.

Q Was it not a voluntary matter to belong to the SIPO in the occupied West territories?

A No one was transferred or ordered there. Only the local interpreters had been volunteered.

H0194 – 0033

Q Who ordered the deportation of Jews from Denmark?

A That order came from Adolf Hitler through the Reichsfuehrer SS. The Commander-in-Chief of the Security Police tried in vain to have it revoked, but he was not successful, and to my knowledge that was also one of the reasons why he was recalled.

Q What was done on the part of the State Police in order to mitigate these measures as far as possible?

A The police who were charged to carry out these measures were directed that doors could not be broken or opened by force. Secondly, together with the Reich plenipotentiary, it was made possible that no confiscation of property should take place. The keys of the apartments were turned over to the Danish Social Minister.

Q Had not the measures on the deportation of Jews been known in Denmark?

A It had been known to the Danish population for a long time before.

Q Why was the Danish police dissolved and part of it deported to Germany?

A Because the Danish Police, in its entirety, was in close contact with the resistance movement and the British Information Service. For instance the Chief of the Danish Police turned over the information of the activities of German troops in Juetland and Fuehnen to the British Intelligence Service, and was involved in carrying out savotage in case of invasion. Other leading officials were involved in a similar sense. Under these circumstances, the armed forces felt the Danish police might act behind their backs.

H0194-0034

Q Did the State Police initiate the deportation?

A These deportations were not initiated by the SS Police but a higher SS Police which already approved - and demanded the approval, of these measures from Himmler, when he told the State Police about his intentions.

Q Was there a uniform order to inflict physical punishment during interrogations?

A Physical punishment was strictly prohibited and was rejected by the court.

Q Do you know of any case in which there were intensified interrogation methods, the third degree?

A I remember two officials of the Gestapo un Duesseldorf who had been sentenced for mistreatment of prisoners, by a regular court.

Q Do you know of any more severe third degree interrogations occuring in Denmark?

A Yes, third degree was carried out during interrogations in Denmark, and to explain this I have to point out the following : 1st, because of attempts of assination on German soldiers; attempts on transports, and where soldiers were also killed. In order to forestall that danger and to save the lives of Germans, the third degree interrogation was carried out.

Q What was discussed at the conference in Brussels in 1943, concerning the application of third degree methods?

A At that conference of officials concerned, on the basis of the experience gained, it was stated that for the forementioned reasons, the application of third degree to the extent mentioned, was necessary.

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Q. On whose initiative were hostages shot in France, who started it?

A. As far as is known to me that was a directive from Adolf Hilter. We received continually reports from the Gestapo office and we sent reports, stating that we were against these measures to the same extent as in other occupied territories for the reason that I have given before.

Q. Why did the Gestapo especially reject the idea of shooting hostages in Paris after German soldiers had been killed?

A. Because we were of the opinion that these measures had been carried out by a relatively small group of people and that general measures, therefore, would not only be useless but damaging in consideration of the experiences which I mentioned before. Facts really prove that these measures just in Paris had been carried out by a group which consisted of not even one hundred persons.

Q. Who ordered and carried out the deportation of workers from France to Germany?

A. That was a measure of the manpower administration. It is not known to me that the Gestapo had carried out any deportation of workers. I have to make one limitation concerning France where, upon the orders of the Reichsfuehrer from my recollection, the so-called action "Meerschaum" was carried out in the course of which French citizens French nationals, I believe five thousand, were forced to be transferred to Germany, people who had committed minor offenses in the political sense.

Q. Who was responsible for the evacuation of Jews from France?

A. The evacuation of Jews was carried out by the office of Eichmann, as I have already explained, without any possibility for the older officers of the State Police to do anything about it.

Q. Upon who directive was the port quarter of Marseilles destroyed?

A. That was a directive by the Reichsfuehrer, sent immediately to the higher SS and police leaders who, especially in France, had worked out a close connection with the Reichsfuehrer. - Berlin we heard about this order of the Reichsfuehrer only later.

Q. Did Hitler issue directives frequently without telling the police

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about it?

A. While I was in Berlin that happened frequently and on the basis of reports which we received from some other office or as a spontaneous reaction of some act of sabotage or an attempted assissination.

Q. Do you, on the basis of your activity in Berlin, know of any cases of intensified methods during interrogations in the occupied western territories?

A. Officially we only knew at the time about the Norwegian White Book which caused an investigation in Oslo and then it became the basis of our reports to the Reichsguehrer and it was intended to have the result of having Terboven recalled.

Q. What do you know about the deportation of French statesmen and generals to Germany?

A. This particular deportation had been ordered by the Reichsfuehrer in connection with the higher SS and police leaders in France. The Secret State Police office, Gestapo Amt, did not know anything beforehand and was confronted with the directive that Prime Minister Reynaud and Minister Mandel should be put into prison cells. The Gestapo office, after lengthy reports, succeeded in getting different type quarters for the French statesmen and for those who were later transferred to Germany there were better quarters from the beginning.

Q. Do you have any knowledge about the facts that one of the French generals who was at the fortress Koenigstein in November 1944 was to be executed upon the orders of Panzinger?

A. No.

Q. And that by having the general transported from Koenigstein and then having him shot because he allegedly tried to escape?

I put before you the documents which have just been presented by the American Prosecution, 4048-PS to 4052-PS, and I want you to state your opinion as to what you know about this. I only have an English copy but the witness understands English.

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THE PRESIDENT: Is it in your document book?

DR. MERKEL: No, my Lord, it is not in the document book and I could not put it in because these documents have just been presented by the American Prosecution during the last session. The numbers are 4048 to 4052-PS. They have just been presented during the cross-examination of Dr. Best.

BY DR. MERKEL:

Q. Witness, I believe it is not necessary for you to read all the documents now. I only want you to get orientated from these documents and answer my question, that is, as to whether anything is known to you about this incident?

A. The dates are January, 1945, December 1944 and during that time I was in Denmark and I was no longer in the Secret State Police office, the Gestapo office.

Q. Generally, was the deportation of foreign workers to Germany carried out by the Gestapo?

A. No. I recall from my activity in their office that even the arrests of escaped workers in the occupied western territories were not carried out by the Gestapo. I remember particularly that in 1940 Reichscommissar Seyss-Inquart stressed specifically that such things should not be done.

Q. Was the so-called "Nacht und Nevel" order brought before you in order to make it known to the Gestapo?

A. Yes.

Q. Did you agree with that decree?

A. The "Nacht und Nebel" decree had been issued by the OKW together with the Reichsminister of Justice. The Gestapo office had nothing to do with the drafting of it. There were, in the way of police administration, great difficulties in the beginning because what had been committed abroad had to be clarified in Germany and for these reasons I rejected it in principle as being too hard to carry out.

Then there was another damaging consequence. The members of the family did not know anything about theperson arrested and this was principally

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against our tendencies. These difficulties arose immediately when the first people were arrested and transferred to the State Police office, who had to clarify the proceedings. The result therefrom was that innocent people were brought to Germany. We succeeded at the time, that despite this decree, these people should be returned to their native country.

Q. The so-called "Kugel" decree, the commando order, were these orders applied in Denmark during your activity?

A. No.

Q. What do you know about the application of these decrees in other occupied western territories?

A. All these were decrees which had been issued after I left Berlin and therefore I could not say anything about it.

Q. Would you know whether the Gestapo in the occupied western territories had special groups in the prisoner of war camps so as to select those who were racially undesirable or politically undesirable.

A. I cannot say anything about that because that decree was not known to me before the surrender.

Q. Were the decrees mentioned, decrees of a State Police nature?

A. These decrees did not emanate from the State Police but they were ordered from above. The normal State Police chiefs therefore, could not expect that one day such decrees would be issued and beyond that, on the basis of secret regulations, the contents of these decrees were really not known to the great majority of State Police officials.

DR. MERKEL: I have no further questions to put to the witness.

H0194-0039

THE PRESIDENT: Do the Prosecution wish to cross examine ?

CROSS EXAMINATION

BY M. MONNERAY:

Q. Dr. Hoffman, you were a member of the nazi party , were you not ?

A. Yes.

Q. Since when ?

A. Since 1 December 1932

Q. And when you became a candidate for entering the Civil service, or the police, you indicated that you were a member of the Party, did you not ?

A. I beg your pardon; I did not quite understand the question.

Q. When you became a candidate for the civil service, and especially for the police, you indicated that you were a member of the nazi party, did you not ?

A. Yes, of course.

Q. You said that there was no relationship between the Gestapo and the Nazi Party, did you not ?

A. Yes, that is correct.

Q. Is it correct, though, that civil servants in the police were subjected to political screening ?

A. I did not quite understand the sense of the question, I am sorry, I did not quite understand the question.

Q. "Political screening" is an special term which you probably known and which in German is known as "Politische Beurteilung".

A. Yes.

Q. It is true, is it not, that important officials of the police, before being nominated, were subjected to this political screening of the Party ?

A. Yes.

Q. Do you know the circular of the Party Chancellory according to which the authorities of the Nazi Party are not obliged to consult the USC slips when it is a question of promoting them ?

A. Each official who entered was scrutinized for his political attitude, and each one who was promoted was, of course, also investigated.

H0194-0040

Q. You were a member of the SS, were you not ?

A. In November 1939 when the coordination decree came out, I became a member of the SS.

Q. To enter the SS, you had to send in an application, did you not ?

A. We were directed by the office to make a formal application.

Q. And this application was similarly subjected to a political screening was it not ?

A. I assume so.

Q. And when you were in Duesselforf, as delegate of the Chief f the Gestapo services, you had under yourorders some Boundary Police Commissariat.

A. Yes.

Q. Is it exact that the Commissariat had exactly the same functions as the Foreign Offices of the Gestapo ?

A. No, not in the beginning. In the beginning they had only the task of the Border Police. At the period when I was there, the political tasks of the police were taken care of by the Landrat.

Q. You are speaking of what period ?

A. I speak of the period of 1939 to 1940 -- until September 1940.

Q. I remind you of a circular of the Hessen and Reich Ministry of the Interior of 8 May 1947, published in the bulletin of 1937 of the Ministry of the Interior, Reich and Hessen, page 754, which stipulates in its third article that the police tasks at the frontier of the Reich are taken over by the Boundary Commissariats and Officers. That is correct, is it not ?

A. Yes, that is correct. We had to distinguish between the inner political tasks and the tasks of counter-intelligence up there. The tasks of counter-intelligence, of course, were handled by the Border Police, but not the tasks of the inner political nature because the officials of the Border Police did not have the necassary training to make criminal investigations independently.

Q. The same paragraph continues that the boundary commissariates of the Police are considered as being Gestapo offices and are assimilated to the "Aussendienst Stelle".

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A. I can not understand the word. Oh, yes -- "Aussendienst Stelle". The Border Police was subordinated to the State Police office, Department III, which was dealing with counter-intelligence tasks because counter-intelligence tasks had as an object to counter efforts from abroad and so it goes without saying that the Border Police had the primary tasks of all police units along the border. I have explained that the Border Police essentially had nothing to do with inner political tasks of the police.

Q. You said to us just now that the shipments to concentration camps were done on the request of the local Gestapo services. Is that true ?

A. If an individual was to be sent to concentration camp, the Gestapo office had to make a demand, and then the Gestapo office or the RSHA-- if they decided for protective custody, then the individual could be sent to the concentration camp, because that was done along the usual channels of police administration.

Q. So it is a fact, witness, that shipments to concentration camps were made on the initiative of the local offices of the Gestapo ?

A. On the demand of the local office of the Gestapo/

Q. And the local Gestapo services made these requests and at the same time arrested the individual ?

A. Yes.

Q. These Frontier Offices, did they equally have the right to make reques for shipment to concentration camps ?

A. The Border Police had only the task to arrest at the border. They did not make any decisions independently. If the Border Police arrested an individual, all they did was to send the report to the Gestapo office, which continued to deal with the matter. The officials of the border Police were essentially beginners who could not carry out any investigation of a general nature. The Border Police office was not an independent office that could make such requests. At first the Border Police were in no way different from those before 1933.

Q. I would like to show you, witness, a document which is nevertheless

H0194 - 0042

of 1944 and which comes from the Gestapo office. That is 1,063-PS. Is it a fact that this letter was also sent to the Frontier Commissariat to indica to them that there was no reason to send arrested Eastern workers to Buchenwald concentration camp ?

A. Excuse me; I did not quite understand the question because I was reading.

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Q Is it correct that this letter addressed to the frontier commissariat indicates the --

A That can be seen from the contents. It is clear, of course, that the State Police office also sends its principal directives to the border. The contents of this letter deal with the treatment of individuals which had been caught and that, of course, occurred also along the border. That letter has to do with the fact that a police office, if it has caught any such individuals, has to transfer or pass on all information when they pass on the entire case.

Q It is correct, is it, that this document indicates that requests for shipment to concentration camps which would come from frontier offices have to pass via Duesseldorf?

A Yes, of course. To my knowledge, the Border Police Commissariat could not have any direct connection with the Gestapo main office.

Q So it is correct that the Frontier Commissariat could themselves file concentration requests for shipment to concentration camps?

A Only to the State Police Office at Duesseldorf. But I must add that the document was dated 1944, and that since 1940 I was no more in Germany in Gestapo work, and I cannot say whether there were any changes concerning the mission of the Border Police Commissariat during my absence. This document does not give any cause to assume so, because I assume that the same decree was also sent to the Landrat.

THE PRESIDENT: In general, the Tribunal thinks that there is no use cross examining the witness about documents which aren't his own documents and about which he knows nothing. You can put the documents in.

BY M. MONNERAY:

Q Do you know the institution of the secret police?

A In the country there was only the gendarmerie, and in the smaller towns, the so-called communal criminal police.

Q I believe there is a mistranslation there.

A The secret field police. That institution is known to me, yes. I did not understand the question at first.

Q Is it correct that most of the members of this military police came

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from the police?

A The units of the Secret Field Police, Geheime Feldpolizei, were composed of several police officials, but mostly soldiers which had been ordered to do that job, and the groups of the Secret Field Police, Geheime Feldpolizei, which were transferred to Denmark. I estimate that within one unit there were about ten to fifteen per cent of officials, whereas the rest were soldiers which had been ordered for that duty and before that never had anything to do with the police.

Q This is correct, that most of the officers of the police came from the police?

A The leaders of these commandos and the staff were mostly police officials, as far as I can remember, mostly officials from the criminal police.

M. MONNERAY: With the permission of the Tribunal I will hand in two documents, which are affidavits F964 and F965, which become exhibits RF 1535 and RF 1536. These documents indicate for two regions of France that the great majority of the officers of this Military Police came from the police originally.

BY M. MONNERAY:

Q Is it correct that hostages in the occupied countries were handed over to the SIPO?

A I didn't understand that question.

Q Is it exact that in the occupied territories hostages were handed over by the Army to the SIPO?

A That varied in the different territories. As far as I know, the hostages in France were shot by the armed forces; in Norway, upon order of the Reich Commissioner Terboven, as much as I know, by the SIPO, the Secret Police. I could not say how it was in Belgium.

Q Have you received reports on third degree interrogations indicating how rigorous these interrogations were?

A You mean reports during my term of office?

Q This was in Berlin.

A No, I have said that as an officialbasis of information we only found out what had been printed in the Norwegian White Book. Apart from that,

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nothing was known to me.

M. MONNERAY: I will allow myself to submit to the Tribunal a report from the Commander of the SIPO and SD of July 6, 1944 from Marseilles concerning arrests of members of the French resistance, of the interrogation of these members, and of the ensuing decease. This is document F 979, which becomes 1537 RF. With the permission of the Tribunal I would like to read an extract of this document.

"The arrested men from one to sixteen were killed -- "

THE PRESIDENT: What page of the document?

M. MONNERAY: On Page 2 of the French translation, Mr. President, an extract.

"The arrested from one to sixteen, as well as 43 prisoners designated under number 16 were killed in an attempted escape on 13 June 1944. Number and 15 were killed in the neighborhood of Salon on 15 June 1944 in an attempted escape. Number 17 is still necessary to the special section AF." And further on, "Number 21 died in our hands."

BY M. MONNERAY:

Q Concerning the Nacht und Nebel decree, you said to us that the Gestapo services in Berlin were opposed to it.

A Yes.

Q I would like to submit to you Document PS 668, which has already been submitted as PS 504.

A I have explained that the State Police, for purely professional reasons, were against that decree. But since it was a decree which had been ordered and issued by the leadership of the state, of course the decree had to be carried ut by the State Police just as it had to be carried out by other offices.

Q And your office IV D 4 which signed this document chose the most rigorous solution?

A The solution which was indicated by the decree.

Q The army had requested, had asked your service to suggest the solution, hadn't it?

A Do you mean the solution that was mentioned in this one special case,

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or the decree in general?

Q I ask you, witness, whether it is correct that the Army requested from you that you should offer a solution to the problem of knowing whether the parents of a deceased Frenchman had to be advised concerning his decease or not, and also I ask youwhether it is true that you chose the most strict and rigorous solution?

A From this document I can only gather that apparently an inquiry was sent by the OKW, and that on the part of the Gestapo office the answer was given as far as it was necessary on the basis of this decree.

Q Is it correct that on Page 2 the Army answers you that it agrees with your propesal?

A Apparently.

Q Did you yourself give instructions, personal instructions, concerning the application of the Nacht und Nebel decree?

A That was not my task. I had as minsterial instanz only to pass on instructions to those beneath me, and not to others.

Q Did you have any connection with the concentration camp services?

A I only had connections to the concentration camps from the time on when I was charged with the care for the French ministers, because first Prime Minister Reynaud and Mandel lived in the cells of Oranienburg, and I had to see them there frequently in order to find out what they needed. And the same thing was the case later with the concentration camp Buchenwald where M. Blum and M. Mandel were quartered in a small house, a shack, in the settlement where prisoners were quartered. And concerning the castle of Gitter, the guards had been posted there taken from units of the concentration camp Dachau. These were the only cases, the only connection that I had indirectly with the administration of concentration camps.

THE PRESIDENT: It is time to adjourn.

(A recess was taken until 1300 hours.)

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AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours).

THE PRESIDENT: It will perhaps be convenient to counsel for the organizations to know that the Tribunal proposes to take all the oral evidence, by witnesses for the organizations, first, and then that they should comment upon their documents afterwards, because some of the documents and many of the affidavits have not yet been gotten ready. I think that will probably be for the convenience of the organizations.

The Tribunal propses to sit on Saturday morning in open session until one o'clock.

KARL HEINZ HOFFMANN -- Resumed.
CROSS EXAMINATION -- Continued.

BY M. MONNERAY:

Q. You told us a while ago that the protection of certain French political people had nothing to do with the question of concetration camps.

A. No.

Q. Did you make out rules and regulations for the concentration camps?

A. I do not recall.

M. MONNERAY: I should like to show the witness, with the permission of the Tribunal, Document PS-2521, which will become Exhibit RF-1538. This document is not in the document book.

BY M. MONNERAY:

Q. On page 2 of this document, we find an extract of the Nacht und Nebl decree for the use of the concentration camp organization. This document comes from Office 44.

A. Yes. That is a translation of the Nacht und Nebel decree to Inspector of K.L. I cannot remember when the execution of the Nacht und Nebel decree in K.L. was being carried through. I assume that the reason was the difficult execution of this matter in the various departments.

Q. This document is signed by you, is it not?

A. By Dr. Hoffmann; and there is a seal there, too. It is quite possible that I signed that.

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Q. This is not a document made out in your office?

A. According to appearance, I must assume so.

Q. It is your office that gave instruction and explanations on that decree?

A. Yes. That is quite clear, and that was never disputed.

Q. You told us this morning that the direction of the State was not carried out according to the ideas of the police?

A. In many cases, not according to our knowledge; that is correct.

Q. Do you consider that the subject matter for the Nacht und Nebel decree conforms to police ideas, or does it go against that?

A. No.

Q. That is to say that you think it goes against the conceptions of proper belief?

A. Yes. I have stated that this decree was given out without any suggestion by the police and, in my statement concerning our conception of the origin and the fitting of the military organizations, that this decree was not in accordance with these matters. If, however, this decree was given out by the highest State leadership, then, of course, the police had to act according to these directions and principles set down, and the police could only try to carry through its opinions and conceptions against the background of this decree.

Q. In other words, whether the Gestapo approved or not of these decisions, they took measures to apply them?

A. Yes, indeed.

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Q Had the Gestapo the right to proceed to carry out executions?

A No. However, I did hear that in one sector, which did not fall in my jurisdiction, regulations of that sort did exist.

Q In what district was that?

A As far as I know, the branch dealing with Polish questions.

Q Your office IV-D, did it receive any information on the right of the Gestapo to carry out executions?

A I cannot remember in this case whether we received decrees of that sort.

Q I should like to show you document PS-1715, which will become RF-1539. It is a document which is signed by Kaltenbrunner and which was sent to all departments of the Gestapo, for their information only, and to your office, IV-D.

A I should like to call your attention to the fact that my department, IV-D, was the group in which all occupied countries were unified. This document is addressed to the Gruppenleiter IV-D, not to 4 Dora 4. This document therefore was not sent to my department. Since in the western sector no executions were carried out, for that reason the document was not sent to my department.

Q But the document reflects what actually happened, namely that the Gestapo could carry out executions?

A From my own knowledge, I cannot give you any further details about the handling of this problem in practice.

Q Do you know anything about the activities of Eichmann?

A From my activity, I know that Eichmann was the head of the Jewish branch in the Reichsicherheitshauptamt, RSHA.

Q Your office received no information about anti-Jewish activities in occupied territories, did it?

A My office received monthly reports from the commanders in the occupied territories. In these reports, for example, the deportation of Jews was reported on. I have already stated that the fact of the Jewish deportations I learned of only through

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these reports. I talked to Eichmann on this matter; just why these facts were not made known to the department was one of the questions I asked him. He rejected my question and said that he was acting only on the basis of superior authority.

Q So there were various delegates in the different occupied territories, were there not?

A It is known to me that with the various BDS Commanders he had special delegates, yes.

Q Did these delegates have the right to give orders to the various services of the Gestapo?

A As far as their exact position is concerned, and Eichmann's, I cannot give you any exact information from my own background. Eichmann formerly was a part of the Secret State Police system.

Q So he was one of the elements of department No. 4, wasn't he?

A Formerly he belonged to the office of the Amt 4, but he had a very strong activity of his own and I emphasize that this may be traced largely back to the fact that he did not rise from the ranks of the police.

Q You were kept constantly posted on Eichmann's delegates in the various occupied territories, were you not?

A Only from the monthly reports of the commanders.

Q These reports gave you, for instance, the numbers of these people deported, didn't they?

A Yes.

Q And the reports were at the disposal of the Gestapo and the people in the occupied territories who collaborated, were they not?

A As far as I know, yes.

Q What were the functions of Office No. 2 of the RSHA?

A Branch 2 of the RSHA dealt with administrative and economic questions from the beginning up until, I believe, 1944. It also dealt with the question of the interning of foreigners.

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Q The officials in this department were especially executives and not administrative officers, were they not?

A Office 2 contained jurists and administrative officials.

Q That department, according to you, was not at all well informed as to what happened in the executive branch?

A On the whole, they dealt with legal and administrative questions.

Q Do you know what were the functions of department No. 2-D?

A Two-D? If I am not mistaken, it was jurisdiction.

Q I should like to show you a document which has already been submitted as PS-501, US-288. According to this document, the tasks assigned, which were intended to exterminate populations in the eastern territories, especially Jews, were supplied by this department No. 2, which was well-aware, according to this document, of the extermination which was proposed. It was at first that their administrative and executive branches were separated.

A As far as I can see from the document, as far as office No. 2 is concerned, this is a technical expert branch. As far as the contents are concerned, it deals with special motor vehicles, which was the special province of this branch. It is directed to the Central Office in Berlin and it obviously dealt with the readiness of motor vehicles.

Q So you admit that this is a document which states that a very special kind of vehicles were destined for carrying out extermination?

A As far as I can look at this document casually, yes, you could draw that conclusion from the contents.

THE PRESIDENT: M. Monneray, I think the document speaks for itself.

M. MONNERAY: Yes, sir.

BY M. MONNERAY:

Q Did you often have occasion, during the course of your

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activity in the Gestapo, that the direction of the State asked you to accomplish tasks contrary to what you would call police duties?

A This feeling that certain tasks were transmitted to us which were in contradiction to our political activities, during my period of activity in Berlin as well as later in Denmark, I had these feelings regarding certain questions; but in this connection, I must remark that I looked at these questions only from the point of view of a police official and could only judge them and define my attitude on that basis. It was unknown to me what had caused the leadership to make the decisions which were transmitted to us.

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Q. You did not consider, then, as criminal, for instance, the order to exterminate certain categories of Soviet prisoners ?

A. I must say quite frankly that I could not understand any order like that at all. For police reasons we could not express this declaration at all.

Q. But nevertheless, the Gestapo lent itself to the carrying out of these orders, didn't they ?

A. I cannot tell you that from my own experience.

M. MONNERAY: I have no further questions.

DR. MERKEL: A few brief questions, Mr. President.

RE-DIRECT EXAMINATION

BY DR. MERKEL:

Q. Dealing with the membership of the organizations which were assimilated into the Gestapo were they incorporated into the SS or was it only an external measure ?

A. I did not perform any formal service with the SS nor the SD or with anyone after my formal entry into the SS in 1939.

Q. In the protective custody decree of the SD, were the concentration camps into which people were to be taken mentioned ?

A. I believe I recall that, yes, but I cannot tell you exactly.

Q. Who carried out the arrests against people who were still at liberty after the protective custody decree was issued ?

A. Either from the officials of the STAPO or from the regular police or Ortspolice.

Q. Who accompanied the trainloads of internees into the concentration camps ?

A. As far as I remember, this transportation was handled by the regular members of the police who accompanied the transports. This was in accordance with regular schedules in the entire Reich area.

Q. Did you or your office know about the true conditions existing in concentration camps, the actual conditions ?

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A. No.

THE PRESIDENT: What do you mean by "regular schedules"? Do you mean special transports or do you mean ordinary trains ?

WITNESS: There were special cars for prisoners which had been used by the police and were used for the transportation of regular prisoners and regular internees. These cars were attached to regular trains and express trains and the internees were transported in these trains. There was no special transportation.

BY DR. MERKEL:

Q. Were the concentration camps under the jurisdiction of the Gestapo ?

A. No. Concentration camps were under the Inspectorate of the Concentration Camps at Oranienburg, and as far as I know, this Inspectorate was under the Inspectorate and Administrative office in the SS Chief Office.

Q. The document just submitted by the Prosecution, 2521-PS, speaks for itself, does it not, by the fact that the return address is the SS Wirtschaft Verwaltungs Hauptamt in Oranienburg and it is addressed to the commander of all Concentration Camps ?

A. Yes.

Q. Did you know about the destruction of Jews at Auschwitz ?

A. No, only after the capitulation did I hear about these things .

Q. Did you know that the activities of Eichmann had a direct connection with the destruction of Jews at Auschwitz ?

A. As long as I was in office, and before the capitulation, I had not heard anything about problems of that nature.

Q. When was the first time that you had reliable knowledge about these things ?

A. After the capitulation.

DR. MERKEL: I have no further questions to put to the witness.

RECROSS EXAMINATION

BY JUSTICE BIDDLE:

Q. Witness, you spoke of a decree under which the Gestapo were permitted to use third degree methods in Denmark, right ?

A. Yes.

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Q. Was that decree in writing ?

A. That was a written decree of the head of the Security Police and of the SD.

Q. And was it signed ?

A. Yes.

Q. who signed it ?

A. As far as I recall, the first decree was signed by Heydrich and the second one on behalf of Mueller, and I cannot tell you ...

Q. What was the date of the first decree ?

A. I believe it dates from 1937.

Q. What month ?

A. That I cannot tell you at this time.

Q. What was the date of the second decree ?

A. 1942.

Q. Did you see both decrees yourself ?

A. Yes.

Q. What was in the first decree ?

A. The contents of the first decree were that in the further combatting of organizations inimical to the Reich, if no other means were at their disposal, that the persons involved would be able to be beaten with a stick for a certain number of times. After a certain number, a physician had to be called in. This directive could not be used in extracting a confession in the case of any one individual. The approval, therefore, had to be had from the head of the Security Police and SD.

Q. Wait a minute. Was the decree limited to any particular territory or did it cover all the occupied territories ?

A. The decree of 1937 applied to the Reich Territory and I believe it applied to the activities of the SIPO in those regions where it was stationed but I cannot tell you of any limitations.

Q. Were there any other methods of third degree which were allowed as well as beatings in that first decree ?

A. No. After the second degree , only measures approved were measures which were more moderate than blows by sticks. Standing at interrogations,

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for instance, or exercises which would tire them -- measures like that, but I don't recall any others.

Q. You remembered one of them -- standing up, for instance. What was the provision of the decree with respect to standing up during the interrogati

A. I personally never attended an interrogation like that .

Q. I didn't ask you that. I said, what was the provision with respect to standing up ?

A. It said that only these methods could be used; that the person involved could not sit down but had to stand.

Q. And how long were the interrogations ?

A. It doesn't mention the length ...

Q. I said, how long were the interrogations ? How long were they, actually ?

A. Well, under the circumstances, very long because only in that way was the provision to stand up a severe measure.

Q. Was the number of strokes that could be used mentioned in the decree ? Did it say how many times a man could be struck with a stick ?

A. As far as I recall, this measure would be applied only once to the same individual. That is, it could not be repeated and the number of blows, in my opinion, was set down in the decree.

Q. And then the doctor was called ?

A. No, I believe it was this way. If a large number of blows was prescribed from the beginning then the physician had to be present from the beginning.

Q. And what was the number of blows that was to be permitted, do you remember that ?

A. As far as I recall, twenty, but I cannot tell you that with certainty.

Q. And both decrees covered all of the German Reich, including the occupied territories, is that ture ?

A. Yes.

Q. And the decrees were effective in France, as well as in Denmark, isn't that true ?

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A. Yes. Later on, the second decree, with the approval of the Chief of the Security Police, that power was delegated to the commanders and that was in the year of 1942.

Q. So that after that, the commanders could order beatings with ut going to the head of the Security Police ?

A. Yes, at the beginning of 1942.

THE PRESIDENT: The witness can retire.

DR. MERKEL: Mr. President, I should like to clarify one small point which was brought out just now by the high Tribunal in examining the witness. I believe there is a small misunderstanding which I would like to clarify.

By commandants in the occupied territories, I should like to ask the witness whether he meant the commanders of the Security Police or the Befehlshaber. These are two different people.

THE WITNESS: As far as I recall, the commanders -- the Befehlshaber.

THE PRESIDENT: That's all. Thank you very much.

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LT. CMDR. HARRIS: If the Tribunal please, I would like to put one question to this witness, following the questioning of the Tribunal. I believe that the witness testified that in this second decree there was no provision for beatings.

RECROSS EXAMINATION

BY LT. COMMANDER HARRIS:

Q. Did I understand you to say that, Mr. Witness?

A. No, I said beatings -- and from now on further measures which were measures rather than actual blows.

THE PRESIDENT: I thought when I took it down, that he said there were milder methods in the second decree, standing up and tiring methods.

LT. CMDR HARRIS: Yes, sir; that is what I understood but I now gather that the witness admits that under both decrees, beatings were authorized and that is all that I wish to establish.

DR. MERKEL: Mr. President, I have no further questions to the witness.

THE PRESIDENT: What is it you want, Colonel Carev?

COLONEL CAREV: The Soviet Prosecution will request the permission of the Tribunal to present a few documents with regard to the activity of the Gestapo.

THE PRESIDENT: Yes, certainly.

COLONEL CAREV: First of all, I want to submit to the Tribunal a document No. 268 which consists of the excerpts regarding the hostages which were done away with by the Gestapo in Yugoslavia. Out of there I shall quote just two sentences; at the end of paragraph 1 in their document it bears the following sentence: "The shootings took place at the decision and command of the Gestapo and the SD." The second sentence at the end of the second page, point B, states: "When shootings and interrogations took place, the following victims fall." I omit here several sentences and merely draw the attention of the Tribunal to the fact that 337 persons were shot in the year 1942 alone and over a thousand by the SD. The first group by the command of the Gestapo and the second by the command of the SD. One I submit here is USSR Exhibit 465, which is the notification issued by the German police about destroying

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a number of villages in Slovenia and of shooting all the male populations of those villages for helping thepartisans. I draw the Tribunal's attention just to these sentences again: "On the 20th of July 1042, the village Krosnik as well as three other villages were destroyed and the male population shot. All the male population were shot and others were deported. This was done because thepopulation helped the partisans and was in constant communication with thos who conducted activities against the German Reich."

One more sentence of the document: quoting: "Out of all the measures taken by the Gestapo here, a number of civilians had to be shot as hostages".

The third document I would like to submit is USSR 416. It refers to the citizens of Yugoslavia and refers to the year 1942. It states that the citizens of Yugoslavia were arrested frequently without being convicted or even suspected of any crime -- over four thousand citizens listed -- it is not quite clear whether it is only the Gestapo or who these are who are responsible for the arrests and shootings; however, it is the document in the archives of the Gestapo.

The first document I want to refer to is USSR 416. I consists of a German police order captured in Yugoslavia and consists of Hitler's decree, expressing joy in the German victory and sorrow for the German defeat at Stalingrad.

Another document is USSR 71. It is very brief and consists of a wire or rather a paper of the German police which refers to their workers and official of the German Reich. The wire took place one day prior to the German invasion of Yugoslavia and talks about exportation of the future workers.

USSR document 320 deals with the same object.

The last document, USSR 518, also refers to the testimony of the Lt. General Kappe of the German army, which states that the Gestapo killed his own colleague, under the circumstances of a special investigation. These are the documents which I would like to draw the Tribunal's attention to. If it i possible, I would like to request the Tribunal to permit me also to quote several other USSR exhibits referring to the Gestapo, which deal with question which so far have not been given sufficient or very little attention. Could

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I please refer to several other documents?

THE PRESIDENT: These aren't documents which have already been put in evidence, are they?

COLONEL CAREV: No, Mr. Chairman; these documents have been presented t the Tribunal but not from the viewpoint of the Gestapo but with regard to other questions; therefore, I would like to draw your attention to them simply because here there are facts which refer to the Gestapo which so far have been ignored, although the documents themselves have been submitted to the Tribunal on other occasions.

THE PRESIDENT: The Tribunal thinks that the appropriate time for you to deal with these documents will be when the case is argued on behalf of the prosecution if there are documents which have already been put in evidence.

COLONEL CAREV: They will; than you, your Honor.

THE PRESIDENT: Now, the witness may retire. Have you had all your witnesses?

DR. MERKEL: Yes, Mr. President. If I understood your Lordship, the quotation of documents and submission of documents is to take place after all the witnesses to the organizations have been heard.

THE PRESIDENT: Yes, the object of that being that all the documents can then be dealt with together, as some of the documents are not yet available; so we will go on with the next organization.

DR. MERKEL: I should like to ask but one thing. In my submission of documents, may I refer and refute the documents which are now being brought forth by the prosecution in this connection, dealing with those documents which today have been introduced for the first time?

THE PRESIDENT: When you say "refute" you mean criticize the documents and argue upon them, I suppose.

DR. MERKEL: I mean argumentation and perhaps by the new affidavits or new documents, to bring a counter evidence for those documents which have been submitted to-day for the first time.

THE PRESIDENT: The time for you to "refute", as you say, or to argue

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upon the documents which have been put in today by the prosecution, will be made when you make your final argument. At the end of the record of all evidence for all the commissions, all the organizations will offer their evidence and comment upon it shortly and then they will have time within which they may argue the whole case and at that time you will be able to argue and "refute", as you put it, the documents which have been put in today.

DR. MERKEL: Thank you very much, Mr. President.

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THE PRESIDENT: Now I call upon counsel for the SD. Will you please call your witnesses now?

DR. GAWLIK: Yes, Mr. President. Before the Commission I interrogated seven witnesses. The transcript I do not have in my hands in their complete state. With the approval of the high Tribunal I should like to call the witness Hoeppner.

ROLF-HEINZ HOEPPNER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Rolf-Heinz Hoeppner.

Q Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. GAWLIK:

Q First, I should like to put a few preliminary questions in order to prove that the witness has the necessary knowledge for the answering of questions on facts. When were you born?

A On 24 February 1910.

Q Since when have you beena member of the SD?

A Since the beginning of 1934.

Q What activity did you carry on before then?

A Before that I studied and I tried to become a Jurist.

Q What law examination did you pass?

A The first and second. I made the first and second examinations at the bar and passed them.

Q What was your rank or position in the SD?

A First of all I was an honorary member and expert, then I went to the higher level and leader, then Abschnittsfuehrer, and at the end I was Gruppenleiter in the RSHA.

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Q What group did you head?

A I lead the group Roman III-A, law administration and communal life.

Q What other sphere of activity did you deal with in the SD?

A In the beginning, during my activity as an honorary member, I dealt with the press, press matters, later with personnel and organizational questions, and as staff fuehrer and Abschnitts fuehrer I was responsible for the entire sphere of the Security Office in my area.

Q Now I shall turn to my first topic. I should like to prove that the SD and the SSF formations were completely different organizations. What do the abbreviations SD mean?

A The SD means Security Service, Sicherheitsdienst.

Q What different significations does this word have?

A The word Sicherheitsdienst has two meanings. On one hand it means the special SS formation, SD, and on the second hand, the Security Service has an information service.

Q Was the foreign information service characterized as SD?

A Yes, it was information, as SD abroad, Office VII.

Q Was the Office VII known as SD also?

A Yes.

Q What was the Office VII concerning itself with?

A It concerned itself with questions on archives and library matters, and as far as I know, it has special scientific missions.

Q Was the SD completely different from the internal service, Office VII?

A Yes. The special formation of the SS was subordinate to the chief of the Security Police.

Q Who belonged to this special formation?

A This special formation consisted of those members of the Security Police who belonged to the information branch. Secondly, those who belonged to the second formation, and who after that worked in the formation we talked of. Thirdly, to this special formation belonged those members of the SS who belonged to the Security Police and the State Police, and finally, point four, the members of those formations who were in business-like connection with the

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formation.

Q The other persons as well belonged to the special formation. People not active with the Security Police or the SD?

A Yes, by that I meant this group 4, they dealt especially with border customs regulations.

Q Did they have a general purpose or a common purpose?

A No. They are a union of people. We were connected solely for the fact that later in 1939, the RHA was cut and registered under office one.

THE PRESIDENT: The light keeps coming on. Will you try and pause between question and answer?

Q Now I shall turn to the second topic. I would like to prove the relationship of the information office on 3, and National Service, and office 6 and 7. We are concerned with the offices 3, 6 and 7.

A We were concerned with different organizations. Perhaps I can give you my reasons. First, the purpose of these three offices were quite different. Office 3 dealt with information and intelligence service. Office 6 with those matters abroad, and office 7 with questions on libraries and archives. Secondly, office 3, the main purpose of the organization was that it was centralized at the time. The work was decentralized. With office 6, we were concerned with a strong centralization of work. Office 7 had only one branch.

Q Between these offices, 3, 6 and 7, was there any connection, which could be determined as a connection with a general common purpose?

A No. The aims of these offices were too varied for that. The members of these offices hardly had any connection with each other.

Q Now I shall turn to the third topic. I should like to prove the development of the SD particularly dealing with the questions whether during this time it was a task of the SD to work with others in a general plan. When did the SD originate? When was it established?

A The SD was established in '31-'32.

Q Did the SD since this establishment until the end of the war have the same task and aims and activities?

A That you can't say at all. The task and aims varied strongly

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according to the political constellation; during the Security service up until '33 and beginning of '34 the task was to help this SS. This task has been changed completely, after the parties with which the SNP had been in rivalry and it was dissolved, and then therefore there was no more rivalry, and the combatting of an opponent became the task.

Q What time was it when it differentiated?

A I already mentioned part of the time. '31, and perhaps '33 to '34. The second period of time was beginning in '34. I should like to quote the document of special significance, of the deputy fuehrer.

Q Perhaps first of all you can just give us the various periods of ti

A The first period of time was from '31 to '34, the middle of '34. Th second was from the middle of '34 to the erection of the RSHA, and the third deals with the time of the establishment of the RSHA to the end of the war.

Q What was the aim, the task and the activity of the SD from '31 to '34?

A The task from '31 to '34 was that of protecting the Fuehrer and protecting the meetings and help that way. I think the SS received reports about the rivalry of opposing parties. We helped that way and protected. Just what plans were being made by the other parties and what they had in mind, we didn't know. We protected the meetings.

Q Was the SD already under its leader, Heydrich, and did it develop into an espionage system? Mr. President, I should like to refer to the entire brief of the SS, page 8-b of the English text, pages 1 and 2. Please answer the question.

A In answering this question, I have to start with the fact when I entered the SD, in '34, and tell you things I myself saw. Things that also were told me at that time about my friend. When the Security Service began in January '34, we were concerned with a very small arrangement, which hardly had more than 20 or 30 members, who were paid, and many still who were honorary. But you can hardly speak of an experienced training such asit would apply to an actual organization. That you cannot consider at all.

Q The 22 to 25 paid, what area did they comprise? Were there other honorary members?

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A The number of the honorary members were not much larger.

Q Did the members of the SD have a general agreement among themselves to cooperate against peace and against laws of war and humanity?

A No. If you can speak on any agreement system, they hardly knew which; there were just parties fighting in rivalry. We helped them in such ways.

Q Did the members of the SD in '31 to '34 have an aim of separating people who had a general and common plan -- an aim to agree against peace and against laws of war and humanity?

A No.

Q In the years '31 to '34, did the members know anything of a plan like that?

H0194-0067

A. I believe the members of the SD did not have any different experiences than the greater part of the German people and there was nothing known.

Q. Now I shall turn to the second span of time.

What were the aims and tasks of the SD during the period of time 1934 until the erection of the RSHA in the year 1939 ?

A. After a legal, rival party was no longer in existence we had only illegal political followers, and as I have already mentioned it was the task of the political police system to combat this and this evolved into the State Police and the task of the Security Service had to change as well. First, it changed in this way, that other ideological and political symptoms, other ideological groups --

Q. Witness, can you be a little more brief in enumerating the tasks and aims ?

A. In order to give you a few examples, for instance, Free Masons, Marxists, Jews, all these groups should be looked into in a more scientific way and the Party should have material for training and similar tasks. That was the final task set by the party, beginning with June of 1943, that is to have an intelligence service for the party , something which, by the way, never did happen, and that a large number of information services were to be active to that end.

This work dealing with other ideological symptoms of political parties and reserach as to it did not last but after a period of time it became obvious that this research work belonged in the sphere of activity of the Secret State Police for any research dealing with opponents, in the long run could not be separated from the executive, dealing with the results of daily interrogations and so forth. Therefore, this task ended with a clear division of tasks between the Security Service and the State Police, a division which started in the middle of 1938 and was carried through particularly in the year 1939 and on the whole, with the erection of the RSHA in September of 1939 this reached its final phase.

After this division of tasks this sphere of activity of the Security Police Service would have been concluded if it had not been that the

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Security Service, beginning with the so-called "spirit SD" in 1933 and 193! dealing with special phases of culture and dealing with a special department and off-set from this Security Service itself a special task had not arisen for the internal intelligence service. By that task I mean namely that the various lapses amongst the German population be looked into and reported on.

THE PRESIDENT: As I said to the other counsel, we do not want these witnesses to go over exactly the same grounds that they have gone through before the Commissions.

We have got that evidence. We only want you to present them here in order that we may see what credibility is to be attached and to deal with any particularly important or new subject which has not been dealt with before the Commission.

Now this witness seems to be going over exactly the same grounds which he has gone over before the Commission and at great length. It is simply doing the same thing twice over.

DR. GAWLIK: As I understood it, Mr. President, those matters which were dealt with before the Commissions at length, which were dealt with in more than two days, that I should summarize the results thereof and in that way it might be carried through. Is that correct ? This witness has been heard for two days before the Commission and I shall present the results of what we learned before the Commission in one and a half or two hours.

I had believed that the various aims, as set out by the SD during the various years would be of interest to the High Tribunal.

THE PRESIDENT: Well, will you try to present the summary within reasonable limits ?

DR. GAWLIK: Yes, indeed, Mr. President.

BY DR. GAWLIK:

Q. What do you know about the significance of the work of the SD during these various periods of time ?

H0194-0069

A. The work of the SD during this period of time was without significance. First of all we really had to look for the actual tasks and we had to set up a source of information and for the collection of necessary, basic material. Particularly important is the fact that during this time the Security Service really did not come to the surface.

Q. The Prosecution has submitted that the SS and the SD had been an elite group of the party and that the most active members of the party were involved; that they took over a blind obedience for the Nazi activities and were ready without asking any questions to carry out their tasks, no matter what the sacrifices or cost would be.

In this connection, referring to the trial brief against the SS, VII D, I should like to ask you witness, were the paid and honorary members of the SD selected along the lines and principles I enumerated ?

A. The paid and honory members were selected on this basis; that they were skilled and as far as their characters were concerned, decent people.

Q. Perhaps you can answer this question first of all with yes or no.

A. No.

Q. Please give me your reasons now.

A. I have already said that the paid and honorary members were selected on this basis; that they were skilled people and were reliable as far as their character was concerned. Neither for the paid nor for the honorary members was it a prerequisite that they were party members or that they belonged to the SS.

Q. Did the SD commit things for which no part of the government or political party, no even the Nazi Party, wanted to carry public responsibility for ?

I should like to call the attention of the High Tribunal to the trial brief against the SS page VII, second paragraph of the document.

A. No.

Q. Did the SD from the time of its establishment until 1939 work secretly and sort of, behind the scenes ?

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A. No. I could give a series of examples to prove my point. First of all the paid members wore uniforms. They had the insignia of the SD on their sleeves. The officers had insignias and were listed in the telephone directory.

Q. Did the members of the SD, during the period of time from 1934 to 1939, have a common and general agreement to participate in crimes against humanity and war crimes and did they participate in such crimes ?

A. No.

THE PRESIDENT: Would that be a convenient time to break off ?

(A recess was taken).

H0194-0071

BY DR GAWLIK:

Q Did the members of the SD during the period from 1934 until 1939 pursue the aim of supporting any individual who had a common plan for the committing of crimes against the laws of warfare or against humanity?

A No.

Q Was any such support lacking because the SD, by receiving information on actual or prospective opponents of the Nazis, contributed to the doing away with the opposition?

A No.

Q Can you give reasons for that?

A Yes.

Q But please be brief.

A It was the task of the Security Service, the SD, to investigate wrong developments in all fields of life. Examples were that it was not the task to start procedures against individuals with other offices.

Q Was it not a fact that those reports about the situation, about various fields of public life, from the occupation of the Rhineland until the beginning of the second world war that the members of the SD had to be convinced that war was expected by everybody in Germany?

A On the contrary.

Q Please, will you answer the question with Yes or No?

A No.

Q Now give the reasons.

A I said quite on the contrary. During that period there was hardly anybody in Germany who expected a war. The reports on all walks of life--for instance, the food economy, the industrial--have shown that armament in a limited measure was about to be started but that did not show any indication for an aggressive war or for any preparation for an aggressive war.

Q Now I come to the relation between the SD and the SS.

H0194-0072

Was the SD always an inseparable and important part of the SS?

I refer to the German transcript of 19 December, page 1569, and to page 1798 of the English transcript, where that has been alleged by the Prosecution.

Please answer my question.

A No, and as the reason, I wish to say that since the task for the SS was to help protect meetings, the new task was formed and developed by the staff of the SD.

Q The Prosecution has furthermore stated on page 1759 of the English transcript that the General SS was the basis, the root from which the various branches grew. Will you state your opinion about that and your experience concerning the Inland Information Service?

A That could not be true for the Inland Information Service because only about ten per cent of the main functionaries had come from the General SS, the Allgemeine SS, and that leaves 90 per cent of all honorary functionaries of the network, the information network, neither members of the SS nor intended to be members of the SS, nor should they have been members of the SS.

Q Was there in the SS a uniform command under which the individual main offices operated together, or were working together automatically in such a way that each branch of the SS would have had a special task within the entire scope of the work?

I refer to the transcript of 19 December 1945, page 1749. That is the English transcript.

Will you state your opinion on that?

A No.

Q Give me your reasons.

A The only uniform body of the SS was the Reichsfuehrer SS. The main offices which were under him were in no way commands. They represented to the outside various points of view in different questions. They competed with each other.

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Frequently they were jealous of each other's authority, and it was not even true that each one of these main offices represented any branch which was necessary for the entity of the SS, because very often their various competencies were overlapping. For instance, in questions of Volkstum--Folkdom--there were four or five offices co-responsible, and it was not possible, although the suggestion was made, to separate or to limit the competencies to one office. Among these main offices there was no leadership office, had only to supervise the functions of the armed SS, the Waffen SS. If any office had assumed that leadership, all the other offices would have revolted against it.

Q What was the influence of Himmler on the development of the tasks of the Inland Information Service?

A Himmler did not have a positive influence on the development of the tasks. That task grew out of the work of the office, and it could equally well have developed in some other office, or there were even a large number of cases in which the task, being connected with one individual who was one among others, in which the task suffered because it was not always possible to send reports directly, without sending them to the Reichsfuehrer SS, to the various offices in question.

H0194-0074

Q. In order to prove a uniform will and an planned connection between the SD and SS the Prosecution particularly referred to the book by Dr. Best, "The German Police", and the speech by Himmler about the organization and aims of the SS and police. These are documents PS 1852 and PS 1992. Do you know the book by Dr. Best and do you know that speech by Himmler concerning the organization and the aims of the SS and Police ?

A. Generally yes.

Q. Will you please tell us whether in that book by Dr. Best and in the speech by Himmler the relation between the SS and SD is described correctly ?

A. We are concerned here essentially with the clarification of the concept which in many speeches and publications was desi nated as "Staats Schutz Korps", a corps for the protection of the state, and that thought of a Staats Schutz Korps has very early been expressed by Himmler and Heydrich since 1936, but its c ntent changed. But although that thought came back again and again, it was never really put into practice. But individual parts of that concept, that so-called "Staats Schutz Korps" have developed independently, have spread out independently here to have a uniform concept, so that here we can say that it was the wish of Himmler to create that state protection corps, but that the thought never was put into practice.

Q. Did the Higher SS as police leaders do, also have any authority over the SD, and were they to supervise the activity of the SD ? I refer to the trial brief against the Gestapo and SD, page 12 of the English edition, and the trial brief of the SS, page 12 of the English edition also.

A. The higher SS and police leaders neither had any command authority nor did they have to supervise the SD. They only represented the Reich Fuehrer, so without having any jurisdiction over the Sicherheitsdienst, the SD, any attempts in that direction in connection with the Staats Schutz Korps -- but it was just the Inland information Service which fought against them and combatted them.

Q. Now I come to the relation between the SD and the Party. How was the connection in the way of organization between the Inland Information Service and the political leadership of the NSDAP?

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A. The Inland Information Service was an institution of the Party, but it did not belong to the organization of the political leadership. There was no connection in the way of organizati n with them. The real and final talk of the Inaldn Information Service was n t given to it by the Party. The mission issued by the party had been finished, essentially, in '38 and '39.

Q. Did the SD have the mission to help keep the Nazi leaders in power ?

A. The SD had the task of --

Q. Would you first answer the question yer or no ?

A. No.

Q. Then please give me your reason.

A. The Security Service had a different task. It had the mission to watch the consequences f measures by the leadership of the state party in economy and in other filods and to determine what the people were saying to these measures, how they reacted, whether these reactions were positive ones or negative one, and then to inform the leadership about what they had f und out.

Q. The Inland Information Service, was that the espionage system of the NSDAP ? I refer to the trial brief against the SS page 8a and 8b of the English edition.

A. No. First, the Security Service was no espionage service at all. Secondly, it sent its reports to all leadership offices, not only to the party, but also other leading offices of the state.

Q. Now I come to the next subject of evidence, the relation between the SD and the Gestapo. Were the Gestapo and the SD a uniform police system ? I refer to the trial brief against the Gestapo and SD page XII, page XIV, XII, XVII, XXL of the English edition. What were the connections between the organizations Gestapo and SD concerning their aims, tasks, activities and methods ?

A. First in answer to the first question, it was not a uniform police system, since the SD and police system did not have anything to do with each other. The SD and the secret state police were two entirely different organizations. While the SD had developed from a formation of the Party, the Secret State Police was a continuation of an already existing institution of the State.

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Since the Security Service, the SD, saw its aim and its task in gaining a correct picture of various forms of life, activities, of ideological groups --- and to take the individual cases as an example, it was the task of the Secret State Police on the basis of laws, decrees, directives, and so on, to deal with that individual case and to take measures of a preventive nature, or police measures; whereas the Secret State Police used methods of an executive type, such as interrogations, confiscations, and so on. The Security Service never had such powers.

Q. What was the task of the SD to support the Security Police such as has been stated in decrees and other regulations on 11 November 1938, Document 638 PS ?

A. No, that is misunderstood. That has been misunderstood. May I say to that circular decree, circular letter of the 11th of November 1938 just a few words. We are here concerned with the fact that for the first time an agreement had been made between the Security Service and the office of the state. The main purpose of this agreement was that the Security Service was recognized by anoffice of the state by that decree, and that officials who worked in the SD, not as it had happened up to then, frequently on the basis of that work would have been persecuted for various reasons. The agreement at that time depended on the mentioning of some task vital for the state, because first of all the Security Service on the outside was hardly visible, hardly noticeable. That was in 1938 . And then that work in various fields of life could not be mentioned in the decree because the Party did not state it, and therefore Heydirch mentioned they were supporting the Security Police, becaise that could not be checked from the outside.

Q. Did the SD have the task to watch over the members of the Gestapo ?

A. No.

Q. Can we concluded from the fact of the institution of inspectors of the Security Police and SD that there was a connection between these two organizations ?

A. No; The inspectors had only a certain authority of supervision over the organization; that of directives and tasks were sent down from Berlin.

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Q. What was the relation between the Department 3 with the Kommandeure of the Security Police and the SD ?

A. I don't quite understand that question.

Q. Security Police.

A. The Department 3 of the various offices of the Kommandeure was a department just the same way as the Department 4. They had administrative tasks, whereas Department 4 had political tasks. They were departments of the office of the Kommandeure, not parts of institutions of office 3, just as the departments 4 were not departments of the RSHA department 4.

Q. Now I come to a short discussion of individual war crimes with which the SD is charged. First, the Einsatzgruppen. I refer to VI-A of the trial brief. Were the Einsatzgruppen and Einsatzkommandos which were put to use in the East a part of the SD?

A. No, these Einsatzgruppen and Einsatzkommandos were special institutions of their own.

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Q Has the Inland Organization of the SD been used for the activities of the Einsatzgruppen and Einsatzkommandos?

A That question, such as it has been put, has to be answered by no. It is not so that, for instance, parts of that organization were transferred to the Einsatzgruppen Special Task Force. If individual members of the SD were transferred to the Einsatzgruppen or Einsatzkommando, then one can compare that with a military induction. Just as an employee who is a civil servant and who is called into the armed forces can be given different tasks, so that also the case with the SD. As far as they had tasks of security, for instance, a directive came to the Einsatzgruppen from the Office 3 (Amt 3).

Q Did the members of the SD and the subordinate offices, by reports received from the East or reports received from Einsatzgruppen, obtain any knowledge about mass shootings or similar crimes, or crimes against humanity?

A Such reports from Einsatzgruppen were never passed on to the subordinate offices in the Reich, so that the members of these offices could not have any knowledge of these incidents.

Q Was the SD responsible for the establishment and the guarding of the organization in its administration of concentration camps?

A No.

Q Could you give me any reasons for that answer?

A There are no reasons for that, because the SD had nothing in the way of jurisdiction to do with these matters.

Q Did the SD establish any concentration camps?

A No.

Q Did the SD organize any concentration camps?

A No.

Q Was the organization of the SD used for the guarding of concentration camps?

A No.

Q Was the SD responsible for the transfer into concentration camps and for the treatment of inmates of concentration camps?

A No.

Q Did the Inland Information Service (Inland Nachrichten Dienst) receive any directives from Himmler to refrain from any action in the case of clashes between

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Germans and American fliers that had been shot down?

A The Security Service could not have had any directive, because it had no police functions, and it could not intervene, in any case.

Q Did the Inland Information Service set up military courts-martial in order to pass judgment on persons in shortened proceedings? This question refers to Item VI-H of the trial brief.

A That does not belong at all to the functions of the SD, to establish a court of that kind, because that again would have been an executive measure with which the Security Service had nothing to do.

Q Did the Inland Information Service execute people in concentration camps or keep them prisoners on account of crimes which allegedly had been committed by relatives? This question refers to VI-J of the trial brief.

A The Security Service had nothing to do with that.

Q Did the SD carry out any "third degree" in interrogations? This question refers to Item VI-L.

A The Security Service did not carry out any interrogations, therefore, certainly not any with the third degree.

Q Will you briefly describe the aims, tasks, activities, and measures of the Group 3-A of the RSHA, the Reich Security Main Office, of which you were in charge for some time?

A It was the task of the Group 3-A to study the reactions on the consequence of legislation, jurisdiction, and administrative measures on the part of the German people, and these observations were to be put down in the form of reports and made accessible to leadership offices. It was, furthermore, the task of the Group 3-A, in particular the Department 3-A-4, to send regular reports about the reaction of the German population to leadership offices to give them a continuous picture.

Q Was the membership of the SD a voluntary one or the result of some legal decrees?

A That question cannot be answered by yes or no. May I take up my group as an example? In my group, at the end, I had about 60 employees. About 75 percent of these worked there on the basis of legal decrees. For instance, all my chiefs of departments, my four chiefs of departments, had been transferred to the Security Service by orders. I believe that for the entire Security Service,

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that number may be estimated at from 50 to 60 percent for those people who were working there on directives. And that comparatively high number results from the fact that once at the beginning of the war a large number of functionaries had been inducted; secondly, that the scope of the task had been increased, and male and female members had to be sent to various territories, and that generally the task of the Security Service grew during the war, and the personnel had to be brought in by draft induction, and so on.

DR. GAWLIK: Mr. President, I have no further questions.

THE PRESIDENT: Does the prosecution wish to cross-examine?

CROSS EXAMINATION

MAJOR MURRAY: If the Tribunal please, Major Murray cross-examining for the United States chief prosecutor.

BY MAJOR MURRAY:

Q Witness, when did you become chief of Office 3 -A in the RSHA?

A In July, 1944.

Q Who was the chief of Amt 3 at thay time and for some time prior thereto?

A Amt 3 had only one chief, and that was Gruppenfuehrer Ohlendorf.

Q At times you substituted for Ohlendorf, did you not?

A I believe I did not get all the question.

Q At various times during your career, you took Ohlendorf's place as Chief of Amt 3, did you not?

A No. When I was in that office, Ohlendorf, all during that time, was present. Besides, there was no deputy for him. When he was away, the chiefs of the various groups represented him for their various fields. But during the period while I was in Berlin, that happened very rarely.

Q Do you know Dr. Wilhelm Hoettl, who was a member of Amt 6, RSHA?

A May I ask for the name again, please?

Q Perhaps I do not pronounce it properly. Dr. Wilhelm Hoettl, spelled H - O - E - T - T - L.

A Hoettl? No; I only met him here.

Q You know that he held a responsible position in the SD, now that you have met him here?

A No. I have not spoken to Hoettl here, either.

MAJOR MURRAY: With the permission of the Tribunal, I should like to read

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briefly from the affidavit of Dr. Wilhelm Hoettl, Document 2614 PS, dealing with the activities of the SD. This w' . be USA 918. Dr. Hoettl executed this affidavit on 5 November, 1945:

"It was the task of the SD to inform its chief Himmler and through him the Nazi regime about all matters within Germany, the occupied countries, and the other foreign countries. This task was carried out in Germany by the Department III - Information Service for Germany proper - - and abroad by Department VI -- Foreign Information Service."

Skipping a few lines:

"For the tasks in Germany proper the Department III had organized a large not of informers who operated out of the various regional offices of the SD. This organization consisted of many hundreds of professional SD members who were assisted by thousands of honorary SD members and informers. These informers and honorary collaborators of the SD were placed in all fields of business, education state and party administration. Frequently they performed their duties secretly in their organizations. This information service reported on the morale of the German people, on all the important events in the state, as well as on individuals.

BY MAJOR MURRAY:

Q Do you consider this a fair statement of the task of the SD ?

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THE PRESIDENT: Answer the question, please. Witness, answer the question: Do you consider it a fair statement of the work of the SD? No, you need not go on reading the rest of the document. Answer the question.

A There are truths and untruths mixed. I feel that the manner in which this report judges the Security Service very superficial. It does not give the impression that Hoettl had been in the Security Service for a long time.

Q You know, do you not, Witness, that your Chief, Ohlendorf, was, in 1941 and 1942, the head of Einsatzgruppe D in southern Russia? You were informed of that, were you not?

A Yes.

Q You knew also, did you not, that these Einsatzgruppen were made up from members of the SD and of the Gestapo and of the Criminal Police?

A I knew that members of these organizations had been ordered there.

Q You know that they were commanded by SD members, did you not?

A The Einsatzgruppen and Commanders were commanded by members of various organizations, members of the State Police, Criminal Police, and Security Police. I myself, for instance, was never used there.

MAJOR MURRAY: I would like to refer, of the Tribunal please, to the affidavit of Ohlendorf. This is document No. 2620 -PS, becoming USA 919. This affidavit has not been used in evidence before. This affidavit of Ohlendorf, which is very brief, states: " The Einsatzgruppen and the Einsatzkommando were commanded by personel of the Gestapo, the SD, who are the Criminal Police. Additional men were detailed form the regular police." And dropping down a few lines: " Usually the smaller units were led by members --"

THE WITNESS: May I interrupt you? Excuse me please. It doesn't say here that members of the regular police were leading them. It says only that additional troops were provided by the Order Police.

BY MAJOR MURRAY:

Q Yes, I skipped that. Skipping down a few lines: " Usually the smaller units were led by members of the SD, the Gestapo, or the Criminal Police." So that actually members of the SD were leading these Einsatzgruppen in the east, were they not?

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A In the affidavit it says that members of the Security Service, State Police, and other Criminal Police as well were in charge of these Commands.

Q Now, as a matter of fact, the Einsatzgruppen officers wore SD uniforms in the performance of their tasks, didn't they?

A Excuse me. I only understood a few word. Einsatzgruppen leaders wore these uniforms?

Q The Einsatzgruppen officers wore the uniform of the SD while performing their duties in the east, is that true?

A All members of the Einsatzgruppen wore gray uniforms and on the sleeve had the sign SD. That was one of the main reasons for misunderstandings which happened, because also members of the Security Police wore that sign of the SD. They referred to the special organization of the SD which I have mentioned in the beginning today, and because beyond that even those members of the Einsatzgruppe und Einsatzkommandos were that who were not even members and who, in peace time, had never worn any uniform; they were sent into the Einsatzgruppe as so-called Uniformtraeger, wearer of uniforms.

Q In any event, many members of the Einsatzgruppe were members of the SD and may of those officers wore the uniform of the SD while killing these people in the eastern territories; isn't that true?

A I don't understand the sense of the question. There were very few people of the SD who weren't either Einsatzgruppen or Einsatzkommandos and these leaders, during the intire time, wore the uniform with the SD on the sleeve.

MAJOR MURRAY: If the Tribunal please, I should like to bring into evidence another brief document, document 2992 -PS, USA 494. This is a portion of that affidavit which has not previously been read into evidence. It is the affidavit of Hermann Friedrich Rabe. I am sure the Tribunal will recall that affidavit where this German citizen recounted the SS and SD men shooting large numbers of helpless individuals, the document which was referred to by the Attorney General of Great Britain a few days ago.

In the first part of that affidavit Rabe states :

"SS men acting as the executioner on the edge of the pit during the shooting of Jewish men -- "

THE PRESIDENT: Wait a minute. This document is in evidence already, isn't it?

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MAJOR MURRAY: It is, My Lord, but not this particular portion of it referring to the SD. I did not intend to repeat the other portions bu this portion refers specifically to the SD and it is only that two sentences that I intend to read.

Paragraph 1 says: " The SS men acting as the executioner on the edge of the pit during the shooting of Jewish men, women and children, at the airport near Dubno, wore an SS uniform with a gray armband about three centimeters wide on the lower part of his sleeve, with the letters " SD " in black on it, woven or embroidered." and drooping down to the last portion of the second paragraph. " On the morning of 14 July I recognized three or four SS men in the ghetto whom I know personally and who were all members of the Security Service in Ravno. These persons also wore the armband mentioned above."

It is a fact, it is not, Witness, that many of the members of these Einsatzkommandos were members of your SD organization?

A I said before that really few were members of these Einsatzgruppen and Einsatzkommandos, few members of the SD, and it is not said here at all that these people to whom reference is made in this document had anything to do with the Inland Information Service; and if one was there who belonged to the

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Inland information service, which can not be seen from the documents, because it only says that they were a uniform with the sign SD, then he had been ordered for that particular work such as anybody may be inducted for military service. That is just the main reason for a large number of mistakes which are made with that concept of the SD, that the members had the same uniform as those who were in the Einsatzgruppe.

Q In any event, Ohlendorf was a member of the SD, was he not?

A Ohlendorf was Chief of Amt 3, but that had no connection with the fact that he was also commander of an Einsatzgruppe. That Einsatzgruppe could just as well have been commanded by the chief of Amt 4, 5, an inspector or anybody else. That had nothing to do with the activity of Ohlendorf as Chief of Amt 3.

Q Now, Ohlendorf has testified that frequent reports were compiled by the Einsatzgruppen and sent back to the headquarters. Did you see any of those reports while you were in the headquarters of R.S.H.A.?

A No. That was not possible because during that period when I was in Berlin those Einsatzgruppen from the east had been recalled, most of them at least. At any rate, there were no more reports; and I am of the opinion generally that in Amt 3, that is the Inland Information Service, only very few people ever saw the reports that came from the Einsatzgruppen.

Q I would like to have shown to you a series of 55 weekly reports of the activities of the Einsatzgruppen, and, incidentally, the Einsatzgruppen are known as the Einsatzgruppen of the Security Police and the SD.

A No, no, no. There were no Einsatzgruppe of the Security Police and the Security Service, SD, but there were only the Einsatzgruppen A, B, C and D in the east; and there were good reasons for that.

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Q Before submitting that document to you, Witness, I'd like to have you examine document No. 3876-PS, which has already been admitted in evidence as USA 808. I call your attention to the title page of that document, signed by Heydrich, which reads as follows: "I herewith enclose the summary report concerning the activity of the Einsatzgruppen of the Security Police and the SD in the U.S.S.R. This report will be sent out periodically in the future." Signed Heydrich.

Aren't you mistaken, Witness, in saying that these were not known as Einsatzgruppen of the Security Police and SD?

A No. The Einsatzgruppen figured as Einsatzgruppe A, B, C and D. They were commanded by a plenipotentiary of the Chief of the Security Police and the SD with the army groups or army. That designation of Einsatzgruppe of the Security Police or SD is unfortunately wrong.

Q Either Heydrich is wrong again, is he, and all the documents are wrong?

A Apart from that -- no, I don't want to say that the document is false. I only say that this expression is not correct. Look at the distribution list. It says on the distribution list: "The chiefs of Einsatzgruppe A, B, C and D." Beside, the Einsatzkommandos are not called kommandos but had Arabic numerals; that is one to twelve, as far as I am informed.

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Q : This, of course, is a report of your chief, Heydrich, and I won't enlarge on the point. Turn now to page 31 and 32. It is at the bottom of page 32 in Heydrich's . . .

A One moment please. There is no page 31 or 32 in my document.

Q It is a very short passage. I willread it to you. 'In White Ruthenia the purge of Jews is under way. The number of Jews in the part up to now handed over to the civil administration amounts to 139,000. "

A Yes, now I have it.

Q Now, go down to the last sentence. " In the meantime, 33,210 Jews were shot by the Linsatz groups of the Security Police and the Security Service SD". It doesn't say anything there about groups A,B,C, or D, does it ?

A No, it says Security Police and SD. Only, I don't understand what that has to do with the inland information service, Security Service.

Q Except that Ohlendorf was the head of your service, wasn't he ?

A He functioned as chief of Amt III at Berlin but during the time when the Linsatz groups were out, he was in the field and that was handled like any other induction of a particular service.

Q Witness, are you informed of the fact that the SD was carryin on espionage activities in the United States prior to Germany's declaration of war against the United States ?

A I cannot imagine that the Inland Information Service would have worked in the United States.

Q I would like to offer in evidence, if the Tribunal please, document number 5o43 -PS which becomes USA-92o. This document is a teletype message of the Foreign Office, dated 11 July 1941. I will read just one sentence from this one document. "Reference teletype No. 2llo of 5.7 from Washington. Herr Reich Foreign Minister . . . " That was Ribbentrop, was it not ?

" Herr Reich Foreign Minister requests you submit immediately a written report regarding who amongst those in New York arrested

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on suspicion of espionage worked with the Abwehr und with the SD."

Witness, does that look like the SD was carrying on espionage service in New York prior to the declaration of war against the United States ?

A : One of the first questions which my counsel presented to me was the one whether one could designate the Foreign Information Service as SD. I said, " Yes ", and further clarification was that Inland Information Service and Foreign Information Service were different sections. Whether Amt VI had anything to do with thi I cannot say. I was in Amt III and I did not know anything about these things that went on in Amt VI.

MAJOR MARRAY: Well, they were all part of the SD. Whether or not you refer to the SD numerically, they were all part of the SD.

THE PRESIDENT : Would you re-examine the witness if you want to ? Did the Soviet Prosecutor want to ask any questions ?

COLONEL SMYRNOW : Mr. President, I did want to put a few questions to the witness, but these questions are in connection with one new document -- quite an interesting document - which we only received today, and for this reason, we have not had the translation into English made up. Therefore, I do not know whether it would be appropriate for me to put this question now when I do not have an English translation to present to the Tribunal.

THE PRESIDENT: Perhaps we could do it in the morning. It would be translated by then. Perhaps you could do it in the morning ?

COLONEL SMYRNOW : Thank you very much, Mr. President, yes.

THE PRESIDENT : Dr. Gawlik, would you re-examine him now ?

DR. GAWLIK : Mr. President, I do not know whether I should wait for the new document and if I won't have a few questions after the new document is presented. That, of course, I could not do now.

THE PRESIDENT : Well, if there is anything that arises from the new document, you could put the questions later on. You will have a better opportunity if necessary.

DR. GAWLIK : Yes, I see.

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REDIRECT EXAMINATION

BY DR. GAWLIK:

Q Were the SS uniforms with the SD sign also worn by persons who had nothing to do with the SD ?

A Yes, I have explained that repeatedly.

Q Were the SS uniforms with the SD sign also worn by persons who had nothing to do with the SS ?

A Yes.

Q Can you make any statement as to why individuals who had not anything to do with the SD wore the SD sign ?

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A Because all members of the Security Police were that uniform because any man who did any service with the Einsatz commandos or Einsatz groups had to wear a uniform and the only uniform was the gray uniform of the SD.

Q Why did they wear the SD sign?

A Because it belonged to the uniform.

DR. GAWLIK: I have no more questions.

EXAMINATION BY THE TRIBUNAL

BY THE PRESIDENT:

Q Have you got this document before you, 3867-PS?

A 3867-PS?

Q Yes. You see what it says there. " Herewith enclose the 9th summary report concerning activities of the Einsatzgrupp of the Security Police and the SD in the USSR." That is the second paragraph, you see that--describing the report?

A In my copy there are several documents. Is it the one of the 27th February, please?

Q 27 February 1942, page 17. Have you got it?

A Yes, page 17, yes, I have it.

Q First of all you see "regarding report No. 9 concerning the activity of the Einsatzgruppen of the Security Police and the SD in the USSR". And then the first enclosure. Heydrich encloses the 9th summary report concerning the activity of the Einsatzgruppen of the Security Police and the SD in the USSR.

A Yes.

Q And you said as I understood it, that you did not understand why the SD were there because the Einsatzgruppen had the numerals A, B, C, and D?

A Yes.

Q That's what you meant, wasn't it, that you could not explain why the SD was there?

A Yes.

Q Well, will you explain why when distribution if sent out it is to be distributed to the chiefs of the Einsatzgruppen

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A, B, C, and D, and also to the commanders of the Security Police and the SD?

A May I make a statement concerning that letter, that report? If Einsatzgroups and Einsatzcommand of Security Police and SD are mentioned, then that expression is not correct, because that expression did not exist. There were only Einsatz Groups A, B, C, and D and Einsatz numbers 1, 2, 3, 4, and so on.

Q Assuming that that is so, why then should the report be sent to the commanders of the Einsatz Groups in a separate distribution to them as well as to the chiefs of the Einsatz Groups unless the SD has something to do with it?

A I believe I may have been misunderstood. It is a report about the activities of the Einsatz Groups which had been summarized by the chiefs of the Security Police and SD and which had been sent to the individual Einsatz Groups so that they could explain what happened in the field of the Einsatz Groups A, B, C, and D.

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Q Yes, it isn't only sent to the Einsatzgruppen A, B, C and D; it isalso sent to the commanders of the Secret Police and SD. What I am asking you is: Why is it sent to the commanders of the Security Police and the SD if they had nothing to do with it?

A Probably Heydrich wanted that the commanders of the Security Police and SD in Cracow and Higher SS and Police Leaders should be informe about the work of these Einsatz Groups, because it was also sent to the Higher SS and Police Leader in Breslau and one in Dresden, who certainly had nothing to do with the activity of the Einsatz Groups -- to the Reich Defense Commissioners in Dresden and Breslau.

Q Well, then, your answer is that Heydrich made a mistake when he described it as the activity of the Einsatzgruppen of the Security Police and the SD and when they sent out and distributed it to the commanders of the Security Police and SD, it was merely a matter of information; is that it?

A Yes.

Q Do you see the final distribution on page 46 and 47 or is that the distribution of a different report; it is a report on the 23rd of April 1942.

A Yes, 23 April 1942.

Q And will you look at page 46 and 47?

A Yes.

Q About eight lines down, you see, it was distributed to Major General Kaltenbrunner, Vienna.

A Yes.

Q And the last line but two, it was distributed to Governor General Reich Minister Dr. Frank.

A I cannot find Reich Minister Dr. Frick.

Q Frank, I said.

A Yes; to attention of Oberregierungsrat Dr. Shepers.

Q And the same is true on page 18 of the report of the 27th of February 1942.

A 27 February.

Q On the 27the of February, 1942, it was also distributed to the same people?

A Yes.

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THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjourned until 2 August 1946, at 1000 hours)